

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1552 of 2024

Arising Out of PS. Case No.-427 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Md. Mahfooz Son of Md. Munna @ Md. Akhter Resident of Mohalla-
Rampara, P.S.- Katihar, Dist.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Nikita Kumari Wife of Late Prahalad Paswan Resident of Mohalla- Baingna,
Ward No. 24, P.S.- Katihar Nagar, Dist.- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

8 23-10-2024 Heard learned counsel for the petitioner.

2. This revision petition has been preferred by petitioner (juvenile) being aggrieved with the order dated 22.02.2024 passed by learned A.D.J.- I- cum-Special Judge SC/ST-cum-Children Court, Katihar in G.R. No. 3382 of 2023 in connection with Katihar P.S. Case No. 427 of 2023 for the offence punishable under Sections 147, 148, 149, 341, 323, 302, 504, 506 of Indian Penal Code and under Sections 3(i) (r) (s), 3 (2) (v) (a) of SC/ ST Act whereby the learned Special Court rejected the prayer for bail of the petitioner.

3. As per the case of prosecution, it is alleged that



on the date of incident, the present applicant and other co-accused persons assaulted Prahalad Paswan with the help of bamboo stick and other weapons due to which he sustained injury and later on he died. During the course of investigation, the applicant has been taken into custody on 06.02.2024 and since then he is in observation home.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no any direct evidence against him. He is implicated in this case only on the basis of confessional statement of Md. Izhar. According to the learned counsel, Md. Izhar and Md. Shahil have been granted bail by learned Co-ordinate Bench of this Court. Lastly, he submits that there is no criminal antecedent against the petitioner and the S.I. report also does not shows anything against him, therefore, he may be granted benefit of bail.

5. Learned counsel for the State opposes the argument of learned counsel for the petitioner.

6. Heard both parties, the impugned order as well as document enclosed in the petition and also the S.I. report.

7. Considering the submission made by both the



counsel and further considering the fact that the main accused persons namely Md. Izhar as well as Md. Shahil have already been granted benefit of bail by Co-ordinate Bench of this Court and further considering that in this case there is no direct evidence against the petitioner-applicant and there is no criminal antecedent against him, I am of the view that it is a case where he should be granted the benefit of bail. Accordingly, this petition is allowed. The order dated 22.02.2024 passed by learned A.D.J.- I- cum-Special Judge SC/ST-cum-Children Court, Katihar in G.R. No. 3382 of 2023 in connection with Katihar P.S. Case No. 427 of 2023 is hereby set aside.

8. Let the above named petitioner-applicant be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.- I- cum-Special Judge SC/ST-cum-Children Court, Katihar in G.R. No. 3382 of 2023 in connection with Katihar P.S. Case No. 427 of 2023 , subject to the following conditions:-

(i) that one of the bailors shall be father/mother of the petitioner.



(ii) that the father/mother of the petitioner shall file an affidavit before the learned A.D.J.- I- cum-Special Judge SC/ST-cum-Children Court, Katihar giving specific undertaking that after release of the petitioner on bail, he will taken proper care of the petitioner and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

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