

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2167 of 2023

Arising Out of PS. Case No.-242 Year-2020 Thana- BALIYA District- Begusarai

Amresh Kumar @ Amresh Yadav Son Of Late Indradeo Yadav @ Late Ino
Yadav R/O Musechak, Ward No.- 1, Bakhda, P.S.- Sahebpur Kamal, District-
Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sidharth Harsh, Advocate
Mr. Sivanand Singh, Advocate
For the Respondent/s : Mr. Syed Ashfaque Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 19-04-2024

1. Heard the parties.

2. The instant appeal has been filed under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act, against the order dated 15.02.2023 passed by learned Additional Sessions Judge-I-cum-P.O.(Presiding-Officer) of Children's Court, Begusarai, in connection with J.J.C.P. Case No. 14 of 2022, corresponding to J.J.B. Case No. 23 of 2021, arising out of Ballia P.S. Case No. 242 of 2020 (G.R. No. 2848 of 2020), registered for the offence(s) punishable under Section(s) 302, 341, 504 read with section 34 of the Indian Penal Code and Section 27 of Arms Act, whereby and whereunder the prayer for bail made by the appellant has been rejected.

3. Mr. Sidharth Harsh, learned counsel for the



appellant submits that the appellant earlier preferred Cr. Appeal (SJ) No. 3898 of 2021 against the order dated 29.06.2021 passed by the Children Court by which the appellant's first prayer for bail was rejected and the said appeal was also rejected by the then co-ordinate bench of this court and thereafter the appellant again approached to the trial court for the relief of bail which has also been rejected by impugned order. He further submits that the appellant has been languishing in Remand Home since 22.01.2021 and he has spent more than 2 years in Remand Home which is sufficient to keep him under observation and there are several major family members in his family and the present Social Investigation Report sent by the Probation Officer is not against this appellant who is willing to resume his education.

4. Mr. Syed Ashfaque Ahmad, learned APP appearing for the State has opposed the prayer for bail of the appellant and submitted that against this appellant there is serious allegation.

5. Considering the above submissions and mainly taking into account the appellant's custody period which he has spent in Remand Home and the same has been more than 2 years which appears to be sufficient protective custody of the appellant and there are several major family members in the family of the appellant and the present Social Investigation Report is not against the appellant except an apprehension to his security, if



he resides in his village but in this regard, the Probation Officer has suggested that the appellant may be directed to reside with one of his married sisters who reside in another villages for which the appellant's counsel is agree and also considering the fact that as per Social Investigation Report as well as appellant's counsel the appellant is willing to resume his education and keeping the appellant in Remand Home continuously will hamper his educational career, in the light of these circumstances, this court is now inclined to release the appellant on bail. Accordingly, let the appellant named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-P.O.(Presiding-Officer) of Children's Court, Begusarai, in connection with J.J.C.P. Case No. 14 of 2022, corresponding to J.J.B. Case No. 23 of 2021, arising out of Balia P.S. Case No. 242 of 2020 (G.R. No. 2848 of 2020) on the following conditions:

- (i) One of the bailors shall be elder married sister of the appellant, who shall file her undertaking before the trial court at the time of furnishing bail bond to this effect that she will take care of the appellant after his release from the remand home during the trial period.



(ii) Appellant shall reside with one of his married sisters in another village atleast for one year from the date of this order.

(iii) Learned trial court shall call for progress report from the concerned regarding the development of the appellant particularly with regard to his educational development after a gap of every six months during the period of trial and if any adverse to the development of the appellant or appellant's further involvement in any criminal activity is found then the trial court shall take serious action against the appellant by taking him into custody.

(iv) If the appellant affects or prejudices any witness of the prosecution or any evidence concerned to the alleged offence during his trial then also the trial court shall take serious action against the appellant by taking him into custody.

6. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J)

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