

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1993 of 2024

Arising Out of PS. Case No.-68 Year-2018 Thana- PUPRI District- Sitamarhi

XXXXXXXX @ XXXXXXX son of XXXXXXX Resident of Village- Choraut, P.S.- Pupri,
Dist.- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sadanand Paswan, Adv.

For the Respondent/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 08-07-2024 1. Heard Mr. Sadanand Paswan, learned counsel for
the appellant and Mr. Abhay Kumar, learned APP for the State.
2. The instant appeal has been filed under Section
101(5) of Juvenile Justice (Care and Protection of Children) Act,
2015 against the order dated 04.04.2024 passed by learned
Additional Sessions Judge 1st-cum-P.O. Children's Court,
Sitamarhi in connection with Pupri P.S. Case No. 68 of 2018
registered for the offences punishable under Sections 458, 307,
326, 354 and 302 of the IPC whereby and whereunder the
prayer for bail made by the appellant has been rejected.
3. Learned counsel for the appellant submits that the
appellant earlier approached this court by way of Cr. Appeal
(SJ) No. 1734 of 2021 for the relief of bail which was rejected
by then co-ordinate Bench of this court vide order dated



27.10.2021 with an observation to expedite the trial of the appellant and conclude the same within a period of six months and thereafter the appellant again approached this court by way of Cr. Appeal (SJ) No. 2383 of 2022 and the said appeal was also rejected by this Bench vide order dated 05.10.2023 with a direction to the trial court to conclude the trial of the appellant within next four months from the date of that order. Learned counsel further submits that after the order which was passed on 05.10.2023 in Cr. Appeal (SJ) No. 2383/ 2022 no significant progress has been made in the trial of the appellant though as per order impugned all the prosecution witnesses except one have been examined before 04.04.2024 but thereafter as per his information the said last witness has not been examined till date. It is further submitted that appellant has been languishing in remand home since 17.09.2019 and the appellant has attained majority and he has spent considerable period in remand home and release of the appellant will not affect the merit of the case as only one official witness is to be examined.

4. Learned APP appearing for the State has opposed the prayer for bail of the appellant.

5. Considering the above submissions and mainly taking into account the custody period which the appellant has



undergone in remand home which is about four years and ten months and all the material witnesses except one official witness have been examined in the trial of the appellant and the last witness is not being produced by the prosecution for last three months. In the said circumstances, now the appellant deserves to be released from the remand home. 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- 1st-cum-P.O. Children’s Court, Sitamarhi in connection with Pupri P.S. Case No. 68 of 2018.

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

(Shailendra Singh, J)

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