

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2060 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- GANGABRIDGE District- Vaishali

1. Shivam Kumar @ Subham Kumar @ Shivam KR SON OF UDAY KUMAR RAI @ UDAY KUMAR RESIDENT OF VILLAGE - BARHI PATAN DEVI ,GARJHA PER , P.S.-ALAMGANJ , DIST- PATNA.
2. UDAY KUMAR RAI @ UADAY KUMAR SON OF LATE LAL BABU, HE IS THE RESIDENT OF VILLAGE - BARHI PATAN DEVI ,GARJHA PER , P.S.-ALAMGANJ , DIST- PATNA.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr.Kamal Deo Sharma
For the Respondent/s : Mr.Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 26-06-2024 Heard the learned counsel for the appellant as well as the learned APP for the State.

2. This appeal has been preferred against the order dated 23.02.2024 passed by learned Additional Sessions Judge 1st Vaishali at Hajipur in connection with Ganga Bridge P.S. Case NO. 154/2023 lodged under Section 365 of the IPC and further added sections 364, 302, 201, 120(B)/34 of the IPC whereby and whereunder the regular bail of the appellants is rejected.

3.Learned counsel for the appellant has submitted that on the basis of confessional statement of co-accused Kashinath



Rai all the family members of the appellant, who is a juvenile, have been implicated in this case. Learned counsel has further submitted that on exact similar footing the mother, father and sister of the appellant have been granted bail by a coordinate Bench of this Court vide order dated 05.03.2024 in Cr. Misc. No. 82428/2023. The further submission of the learned counsel is that the appeal of a juvenile can only be rejected if there is possibility of the juvenile being with the association of the criminals or if there is physical, psychological or moral danger to the juvenile. In the present case, the appellant has no criminal antecedent as such there is no possibility of being him coming into the contact/association with known criminals nor there is any kind of physical, psychological or moral danger to the juvenile.

4. Considering the above-mentioned facts and circumstances, let the appellant, be released in favour of his parents on execution of surety 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 Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 154/2023 with the condition that the father of the appellant shall furnish an undertaking that while the appellant is on bail, he will



not allow the appellant to come in company/association with any criminal or anti social elements and he will take proper care of the appellant. Further, the appellant will be produced as and when required by the court below and shall cooperate during the trial.

(Nawneet Kumar Pandey, J)

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