

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2223 of 2024

Arising Out of PS. Case No.-190 Year-2022 Thana- TEGHRHA District- Begusarai

XX, Son of Late XXXX, R/O Village- Adharpur, P.S.- Teghra, Dist- Begusarai Through His Fua And Natural Guardian Namely YYYY, Aged 38, Wife of Madhukar Anand, R/O Village- Pachamba, P.S.- Mufassil, Dist- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant : Mr. Ajay Kumar Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
Mr. Pranshu, Adv.
For the Respondent/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2024 Heard learned counsel for the parties.

2. This appeal has been preferred under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act against the order dated 30.03.2024 passed by the court of learned Additional Sessions Judge-I-cum-Special Judge, Children court, Begusarai, in connection with J.J.C.P. Case No. 06 of 2023 arising out of Teghra P.S. Case No. 190 of 2022 registered for the offence under section 364 read with section 34 of the Indian Penal Code, whereby and whereunder the court concerned rejected the bail prayer of the appellant.

3. Mr. Ajay Kumar Thakur, learned counsel for the appellant submits that though the appellant is named in the FIR



but there is no specific allegation against him and his brother Gulshan Kumar along with four other persons have been named in the FIR and the appellant's brother Gulshan Kumar has also been declared juvenile who has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Revision No. 500/2023 and the case of the appellant stands on similar footing with the said co-accused Gulshan Kumar. Learned counsel further submits that the appellant has been under observation in the Remand Home since 24.03.2023 and has spent considerable period in the Remand Home and he has got no criminal antecedent and the sister of the appellant's father is ready to keep the appellant under her observation after his release from the Remand Home. Learned counsel further submits that the appellant was declared juvenile and at the time of alleged occurrence, his age was 16 years, 6 months and 17 days.

4. Mr. Anand Mohan Prasad Mehta, learned APP for the State has opposed this appeal and submitted that the appellant's bail prayer has been rightly rejected by the learned trial court.

5. Heard both the sides and perused the FIR, order impugned and other relevant materials. There is no specific



allegation against the appellant and his brother Gulshan Kumar, carrying similar nature of allegation in the FIR, has been granted bail by a co-ordinate bench of this Court and as per the statement made in paragraph '3' of this petition, the appellant has got no criminal antecedent and he has spent about one year and three months in Remand Home which is sufficient period in protective custody of the appellant. Considering these facts, in the opinion of this Court, the appellant deserves to be released on bail 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-I-cum-Special Judge, Children Court, Begusarai, in connection with J.J.C.P. Case No. 06 of 2023 arising out of Teghra P.S. Case No. 190 of 2022 **on the following condition :-**

(i) One of the bailors shall be sister of the appellant's father, who shall file her undertaking before the learned trial court at the time of furnishing of bail bond to this effect that she shall take care of the appellant after his release during trial and if appellant's further involvement in any criminal matter subsequent to the commission of the present matter is found then the learned trial court shall take serious action against him by cancelling his bail bond.



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

(Shailendra Singh, J)

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