

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2406 of 2024

Arising Out of PS. Case No.-472 Year-2022 Thana- BARAUNI District- Begusarai

Ashish Kumar @ Prem @ Prem Kumar @ Prem Pathak son of Arvind Pathak
@ Arbind Pathak @ Arvvind Pathak Village- Sabaura W.No-12, Ps- Barauni
Dist- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 01-10-2024 Heard this revision petition has been preferred by the applicant(juvenile) being aggrieved with the order dated 30.03.2024 passed by learned Additional Sessions Judge-I,- cum- Special Judge Children Court, Begusarai in J.J.C.P Case No. 05 of 2023, whereby and whereunder the learned Sessions Judge rejected the application of the petitioner for grant of bail.

2. According to the case of prosecution, it is alleged that on the date of incident present applicant along with co-accused Piyush taken the deceased from his house and thereafter deceased was murdered by another co-accused Shiv Kumar. FIR has been lodged by the mother of the deceased, namely, Gudiya Devi on the basis of said offence under Sections 302, 120(b) and 34 of IPC and Section 27 of the Arms Act has been registered against accused persons and during course of investigation,



applicant has been arrested.

3. It is submitted by learned counsel for the petitioner that there is no any direct evidence available on record against the applicant, he has implicated in this case only on the basis of his confessional statement.

4. He further submits that the applicant is in observation home since last two years, though some criminal antecedent of the applicant is there, except one case in all cases he has been granted benefit of bail by the Courts. Therefore, It is prayed by the counsel that in this case also petitioner mayl be granted benefit of regular bail.

5. Learned counsel for respondent-State opposes the argument raised by the counsel submit that there are seven criminal antecedents against the petitioner and SI Report also shows that petitioner is used to join bad company, therefore, learned Special Judge has rightly rejected the prayer of bail by the petitioner.

6. Heard both the counsels perused the Case Diary as well as S.I. Report.

7. Perusal of the case diary clearly shows that apart from the confessional statement, there is evidence available on record on the basis of which it can be said that the applicant was



the person with whom the deceased went from his house. Apart from that further considering the fact that there are seven criminal antecedents of the applicant and S.I. Report also does not suggest anything in his favour, I am not inclined to allow the application, accordingly, the application is dismissed.

(Arvind Singh Chandel , J)

Raj Ranjan/-

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