

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2903 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- BARHARA District- Bhojpur

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XXXX SON OF XXXX RESIDENT OF VILLAGE- NATHMALPUR, PS-
BARHARA, DISTT- BHOJPUR, AT ARA UNDER THE GUARDIANSHIP
OF HIS MOTHER NAMELY XXXX, AGED ABOUT 44 YEARS , WIFE OF
XXXX, RESIDENT OF VILLAGE- NATHMALPUR, PS- BARHARA,
DISTT- BHOJPUR, ARA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashank Shekhar, Advocate
For the Respondent/s : Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 04-04-2024 1. Heard learned counsel for the Appellant and
learned APP for the State.

2. At the outset, Mr. Shashank Shekhar, learned
counsel appearing for the appellant seeks permission to file hard
copy of the Supplementary Affidavit of which soft copy has
already been filed.

3. Permission is granted.

4. Let the Supplementary Affidavit filed by the
appellant's counsel be kept on record.

5. The instant appeal has been preferred under Section
101(5) of Juvenile Justice (Care and Protection of Children) Act,
2015 against the order dated 19.04.2023 passed by the Court of



learned 1st Additional Sessions Judge, Bhojpur at Ara in Bail Petition No. 7383 of 2022, in connection with Special Children Case No. 11 of 2022, arising out of Barahara P.S. Case No. 223 of 2022, registered for the offences punishable under Sections 147, 148, 149, 307, 302 and 326 of the Indian Penal Code and Section 27 of the Arms Act, whereby and whereunder the appellant's prayer for bail has been rejected.

6. Mr. Shashank Shekhar, learned counsel appearing for the appellant submits that the appellant was below eighteen years of age at the time of commission of the alleged occurrence and he has been declared juvenile and presently, he is facing trial in the Children Court as a Child in Conflict with Law and he has been languishing in Remand Home since 21.03.2022. It is further submitted that the Probationary Officer's Report is not against the appellant and there is nothing in the said report to show that the release of the appellant would cause any threat to anyone in the society and the learned trial court has not recorded the reasons while rejecting the bail prayer of the appellant and the appellant's prayer has not been rejected in the light of the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. He further submits that the mother of the appellant is deponent in the present appeal and she



undertakes to take care of the appellant after his release.

7. Mrs. Anita Kumari Singh, learned APP for the State has vehemently opposed the appeal and submitted that in view of the nature of allegation and considering other relevant facts the learned trial court has rightly rejected the appellant's prayer for bail and there is no force in this appeal.

8. Heard both the sides and perused the Order Impugned, FIR, Case Diary and Probationary Officer's Report. Admittedly, the appellant is an accused in three more criminal cases in addition to the present matter out of them, first case relates to matter of loot as well as murder and second case relates to Arms Act and third case relates to the offences under IPC and Arms Act and the instant case relates to the matter of murder and attempt to murder and against the appellant, there is specific allegation of having caused firearm injuries to the victims in the present matter and the Social Investigation Report is not in favour of the appellant's bail prayer. Considering these facts, this Court is not persuaded to take a different approach from the taken by the trial court. Accordingly, this Court finds no merit in this appeal and the order impugned has been rightly passed, so the instant appeal stands rejected.

9. The trial court is directed to expedite the trial of the



appellant and conclude the same in the next one year if, appellant’s trial is not concluded within the said period then the appellant may renew his bail prayer before the trial court which will be decided by the trial court according to merit without being prejudiced with this order.

10. In the result, the instant appeal stands dismissed.

(Shailendra Singh, J)

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