

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3247 of 2023

Arising Out of PS. Case No.-360 Year-2018 Thana- BIHPUR District- Bhagalpur

ANMOL KUMAR @ ANMOL SAW SON OF LATE SUDHIR SAW@
SUDHIR SAH RESIDENT OF VILLAGE AND POST- BALHA, PS-
BIHPUR (BHAWANIPUR), DISTT- BHAGALPUR

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hemant Kumar Karan

For the Respondent/s : Mr.Abha Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 07-05-2024 Heard learned counsel for the appellant and learned
counsel for the State.

2. This appeal is directed against the order dated 20.09.2021 passed by the learned Special Judge (Children), Bhagalpur in Special Case (Children)- 07/2021 arising out of Bihpur (Bhawanipur) P.S. Case No. 360 of 2018 under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act by which the bail application of the appellant was rejected by the court below.

3. At the very outset, the learned counsel for the appellant submits that though the appellant was declared juvenile on the date of occurrence but still he has attained majority. He submitted that on exactly similar footing his elder brother Pravin Sah @ Pravin Kumar Sah has been granted bail vide order dated 04.07.2019 but the appellant, who was a juvenile is still under custody. He submitted further that the preamble of Juvenile Justice (Care and Protection of Children)



Act 2015 makes it clear that this act was enacted for welfare of the child in conflict with the law as well as child in need of care and protection, but it is paradoxical that the provisions of the Act are not beneficial to the appellant.

4. It appears that the elder brother of the appellant facing exactly similar allegation to the appellant, has been granted bail by the co-ordinate Bench of this Court in the year 2019 itself and the appellant is still under custody.

5. Learned APP has opposed the prayer for suspension of sentence and grant of bail.

6. Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 20.09.2021 is set aside.

7. Accordingly, the appellant is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge (Children), Bhagalpur in connection with Special Case (Children)- 07/2021 arising out of Bihpur (Bhawanipur) P.S. Case No. 360 of 2018.

(Nawneet Kumar Pandey, J)

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