

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3615 of 2024**

Arising Out of PS. Case No.-119 Year-2024 Thana- NAWADA District- Nawada

=====

Avinash Kumar @ Ankit Kumar Son of Rakesh Prasad @ Rakesh Kumar
(UNDER THE GUARDIANSHIP OF RINKU DEVI WIFE OF RAKESH PRASAD) RESIDENT OF VILLAGE- BHANAIL, P.S.- NEMDARGANJ,
DISTRICT- NAWADA.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Krishna Deo Raj, Adv.
For the Respondent/s : Ms.Abha Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER**

4 21-10-2024 This petition has been preferred by the petitioner (juvenile) being aggrieved with the order dated 24.06.2024 passed by learned Additional District & Sessions Judge-I, Nawada in Special Child Case No. 01/2024 whereby and whereunder, the learned Additional Sessions Judge-1st, Nawada rejected the prayer of bail of the petitioner in connection with Nawada Town P.S. Case No. 119/2024 registered under Sections 326, 302/34 of the Indian Penal Code.

2. According to the case of prosecution, the husband of the deceased namely Rajkumar Prasad on 19.01.2024 filed a written complaint alleging that his wife- Sweta Kumari has been murdered by some unknown persons in her shop. During course of investigation, on the basis of confessional statement of co-



accused persons namely Karan Kumar, Rahul Kumar and other accused persons, it is found that the present applicant was also involved in the alleged crime and he along with two other accused persons committed the murder of said Sweta Kumari.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and there is no legal evidence available on record to implicate the present applicant for the alleged crime. According to the counsel the only evidence available against the petitioner-applicant is the confessional statement of co-accused persons which is not admissible. He further submits that though there is one criminal antecedent of the accused/ applicant, but he is already been granted benefit of bail in that case. Therefore, it is prayed by him that the petitioner may be granted benefit of bail.

4. Learned counsel for the State opposes the argument of learned counsel for the petitioner.

5. Heard both sides, perused the case diary.

6. Considering the above submission made by learned counsel for the petitioner and further considering that there is no direct evidence against the petitioner, I am of the view that it is a case where he should be granted the benefit of bail. Accordingly, this petition is allowed. The order dated



24.06.2024 passed by the learned Additional Sessions Judge-I, Nawada arising out of Nawada Town P.S. Case No. 119/2024 is hereby set aside.

7. Let the above named petitioner-applicant be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge-I, Nawada in connection with Nawada Town P.S. Case No. 119/2024, subject to the following conditions:-

(i) that one of the bailors shall be father/mother of the petitioner.

(ii) that the father/mother of the petitioner shall file an affidavit before the learned Additional Sessions Judge-I, Nawada giving specific undertaking that after release of the petitioner on bail, he will taken proper care of the petitioner and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

tusharika/-

U		T	
---	--	---	--

