

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3482 of 2024**

Arising Out of PS. Case No.-229 Year-2023 Thana- TARAPUR District- Munger

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JOHN PITAR @ JOHN PETER S/O SRI NIRMAL SAH PETER R/O
VILLAGE- MUNGRORA TEDHI GALI, P.S- EAST COLONI JAMALPUR,
DISTT.- MUNGER.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Santosh Kumar Deepak
For the Respondent/s	:	Mr. Zeyaul Hoda

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

Date : 25-11-2024

Heard learned counsel for the appellant and learned
counsel for the respondent.

2. This petition has been preferred by the appellant
(juvenile) being aggrieved with the order dated 06.06.2024
passed by the learned 1st Additional District and Sessions Judge-
cum-Special Judge, Children Court, Munger in connection with
Special J.J.B. Case No. 235 of 2023 arising out of Tarapur P.S.
Case No. 229 of 2023 for the alleged offences under Section
302/201 of the Indian Penal Code, whereby and whereunder the
learned Additional Sessions Judge rejected the prayer of bail of
the appellant.



3. According to the case of prosecution, on 10.12.2023 behind the Kalpana Cinema Hall, a dead body of the deceased Sunni Kumar was found which was seen by the informant Arbind Kumar. Thereafter, he lodged a report, on the basis of which the first information report was registered.

4. During course of investigation, it was found that the present appellant along with other co-accused persons committed murder of said Sunni Kumar. Therefore, the present appellant is taken in custody on 10.12.2023 and since then he is in observation home.

5. Learned counsel of the appellant submits that there is no direct evidence against the present applicant and he has been implicated in this case only on the confessional statement of co-accused Arjun Kumar as well as Ganesh Kumar. According to the counsel, the main assailant was Ganesh Kumar, who virtually committed the murder of the deceased Sunni Kumar. He further stated that the present appellant has falsely been implicated in this case. There is no previous criminal antecedent against him and Social Investigation Report also does not suggest anything against the appellant. He is in observation home since 10.12.2023. Therefore, it is prayed by him that the appellant may be enlarged on bail.



6. Learned counsel for the respondent-State opposes the above submission raised by the learned counsel for the appellant.

7. Heard.

8. Considering the submissions made by both the counsels and further considering the fact that the present appellant has been implicated in this case only on the basis of confessional statement made by the co-accused persons, he is in observation home since 10.12.2023 and the Social Investigation Report also does not suggest anything against him, I am inclined to grant him on bail.

9. Accordingly, the appeal is allowed.

10. Let the appellant above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, Children Court, Munger in connection with J.J.B. Case No. 235 of 2023 arising out of Tarapur P.S. Case No. 229 of 2023, subject to the following conditions:

i) That one of the bailors shall be the father of the appellant and

ii) That the father of the appellant shall file an affidavit before the concerned



Court below, giving specific undertaking that after release of the appellant on bail, he will take proper care of the appellant and will not allow him to fall into the bad company.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2024
Transmission Date	27.11.2024

