

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3641 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- DHARHARA District- Munger

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XXXX S/O- XXXX RESIDENT OF VILLAGE/MOHALLA- HEMZAPUR
P.S.- DHARHARA, DIST- MUNGER

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjiv Kumar Singh, Advocate
For the Respondent/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-03-2024 1. Heard learned counsel for the appellant and
learned APP for the State.

2. The instant appeal has been preferred under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 12.07.2023 passed by the Court of learned Additional Sessions Judge-I-cum- Special Judge, Children Court, Munger in connection with J.J.B. Case No.- 61/2022 arising out of Dharhara P.S. Case No. 53/2022, registered for the offences punishable under Sections 364, 364A, 120B read with Section 34 of the Indian Penal Code, whereby and whereunder the appellant's prayer for bail has been rejected.

3. Mr. Sanjiv Kumar Singh, learned counsel appearing for the appellant submits that the appellant has been declared



child in conflict with law (Juvenile) and at the time of commission of the alleged occurrence, his age was sixteen years eleven months and sixteen days and in the present matter, he has been languishing in custody since 28.03.2022 and he remained a meritorious student of B.P.V. H/S Sundarpur, Munger and secured first division in Secondary School Examination, 2020(Annual) and the Social Investigation Report is not against him and he has undergone considerable period of protective custody in Remand Home. Learned counsel further submits that similarly situated co-accused Sumit Kumar has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 47561 of 2022. Learned counsel further submits that the so-called victim was recovered from the house of co-accused namely, Sameer @ Bittu.

4. Learned APP for the State has opposed the appeal and submitted that the learned trial court has rightly rejected the appellant's prayer for bail as there is serious allegation against him.

5. Heard both the sides and perused the FIR, Case Diary and Social Investigation Report concerned to the appellant. Though, there is serious allegation against this appellant but he has undergone considerable period of protective



custody in Remand Home and he has got no criminal antecedent and he passed Secondary School Examination, 2020(Annual) conducted by Bihar School Examination Board in First Division and the Social Investigation Report is not against him. These circumstances demand a lenient approach towards the appellant's prayer. Accordingly, let the appellant named above be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Munger in connection with J.J.B. Case No.-61/2022 arising out of Dharhara P.S. Case No. 53/2022 **on the following conditions :-**

(i) One of the bailors shall be father/mother of the appellant, who shall file his/her undertaking before the learned trial court at the time of furnishing of bail bond to this effect that he/she shall take care of the appellant after his release during trial and get the appellant admitted in school/college for his further education and if, appellant's further involvement in any criminal matter subsequent to the commission of the present matter is found then the learned trial court shall take serious action against him by cancelling his bail bond.

(ii) After the gap of every six months during trial



period, the learned trial court shall call for a report from the concerned regarding the educational development of the appellant and if any contrary to his educational development is found then the learned trial court shall take serious action against him by cancelling his bail bond.

6. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J)

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