

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3623 of 2024

In
CRIMINAL MISCELLANEOUS No.49217 of 2024

Arising Out of PS. Case No.-41 Year-2022 Thana- SONO District- Jamui

-
1. Sanjay Yadav Son of Panchdeo Yadav R/O Vill.- Thamhan, P.S.- Sono, Charkapatthar, Dist.- Jamui
 2. Jhuna Yadav Son of Reva Yadav @ Riva Yadav R/O Vill.- Thamhan, P.S.- Sono, Charkapatthar, Dist.- Jamui

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 20-09-2024 Heard Learned Counsel for the appellants and

Learned Counsel for the State.

2. This is an appeal under Section 101(5) of the Juvenile Justice Act against the refusal of prayer for bail by the learned Additional Sessions Judge-I, Jamui, in connection with Children Case No. 8 of 2024, arising out of Sono (Charkapatthar) P.S. Case No. 41 of 2022, lodged on 27.01.2022, under Sections 147, 148, 149, 341,342, 323, 324, 325, 326, 302, 307, 447, 504, 506, 354 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against 25 named accused persons including the present



appellants. Specific allegation is against appellant No. 1 Sanjay Yadav that he assaulted by axe on the brother of the informant due to which he fell down. There is no specific allegation made in the FIR against appellant No. 2.

4. Learned Counsel for the appellants submits that appellants are innocent and have committed no offence. He submits that criminal antecedent of the appellants are clean. He further submits that accused persons having direct allegation have been granted bail by the co-ordinate Bench of this Court. Learned Counsel further submits that the appellants were juvenile. The major persons have been granted bail by this Court considering the merit of this case. He further submits that in the Juvenile Justice Act, the mental element is not prevalent rather the basic philosophy applicable to the juvenile is more important. Counsel submits that appellants are now major and they are ready to fulfill all the conditions whatsoever shall be imposed.

5. Learned Counsel for the State opposes the prayer for bail and submits that the appellants were juvenile at the time of commission of the crime and those who were major having direct allegation had been granted bail.

6. Upon the specific query of the Court that whether



charges have been framed or not. Counsel for the petitioner submits that as per his knowledge charges have not been framed.

7. Considering the aforesaid fact, let the appellants, above named, be released on bail **after framing of the charge, if not framed**, on furnishing bail bond of Rs.30,000/- (Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge (Children Court) cum- Additional Sessions Judge-I, Jamui, in connection with Children Case No. 8 of 2024, arising out of Sono (Charkapatthar) P.S. Case No. 41 of 2022, with condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

8. Accordingly, the impugned order is set aside and appeal is allowed.

(Dr. Anshuman, J)

Mkr/Raj-

U			
---	--	--	--

