

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3684 of 2023

In
CRIMINAL REVISION No.789 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- DEEPNAGAR District- Nalanda

XXXXXXXX, Son of XXXXXX, Mother's Name - XXXX, R/o vill - Jamalichak, Post - Dumrawan, P.S. - Deep Nagar, Distt. - Nalanda Under the Guardianship of Father namely XXXXX, S/o Mital Paswan aged about 40 Years, Male, R/v - Jamalichak, P.O. - Dumrawan, P.S. - Deep Nagar, Distt. - Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rana Baljit Singh, Adv.
For the State	:	Mr. A.M.P. Mehta, APP
For the Informant	:	Mr. Rabindra Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 10-01-2024 1. Heard learned counsel for the Appellant, learned APP for the State and learned counsel for the informant.

2. This appeal has been preferred against the order dated 08.09.2022 passed by the Court of learned 1st Additional Sessions Judge-cum-Special Judge, Children Court Biharsharif, Nalanda in connection with Children Case No. 03 of 2022 arising out of Deep Nagar P.S. Case No. 175 of 2021 registered for the offence(s) punishable under Section(s) 366(A)/34, 302, 201, 379, 420, 364, 376(G) and 120(B) of the Indian Penal Code and under Section 6 of the POCSO Act, whereby and whereunder the trial court rejected the bail prayer of the



appellant from which being aggrieved and dissatisfied, the instant appeal has been filed, under Section 101(5) of Juvenile Justive Act.

3. In respect of prayer for bail made by the appellant, it is submitted by his learned counsel that the appellant has been declared juvenile and he is being tried as a child in the Children Court and has been languishing in remand home since 09.07.2021 and as per the FIR, the main allegation of taking away the victim is against co-accused Manish Kumar and the name of this appellant does not find place in the FIR and in respect of appellant's involvement in the alleged crime, the prosecution is mainly relying on the statement of the appellant given before the police which is not admissible in the eye of law.

4. Learned counsel appearing for the informant has opposed the bail prayer of the appellant and submitted that the victim was brutally murdered and gangraped by the accused persons including the appellant and the trial of co-accused persons was separated as the appellant was found juvenile and the trial of the co-accused persons ended in their conviction.

5. Learned APP appearing for the State has also opposed the prayer for bail of the appellant.



6. Having considered the facts and circumstances of this case and mainly taking into account the status report of the appellant's trial sent by the trial court which goes to show that all non-official witnesses have been examined and only official witnesses remain to be examined and the instant matter relates to murder and gangrape of the victim and the dead body of the victim was recovered in following with the disclosure made by the appellant, in my opinion in the said circumstances, at this stage, the appellant does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

7. The trial Court is directed to expedite and conclude the trial of the appellant in the next six months and if his trial is not concluded within the said period then he may renew his bail prayer.

8. In the result, the instant appeal stands rejected.

(Shailendra Singh, J)

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