

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3786 of 2023**

Arising Out of PS. Case No.-287 Year-2022 Thana- DAUDPUR District- Saran

1. XXXXXXXX Son of XXXXXX Under Guardian Ship of His Father Namely XXXXXXXX Aged About 59 Years, Gender - Male, Son of XXXXXX, Resident of Village- Khadrahiya, P.S.- Daudpur, Distt- Saran,
2. XXXXXXXX Son of XXXXXX Under Guardianship of His Father Namely XXXXX, Aged About 38 Years, Gender - Male, Son of XXXXX Resident of Village- Khadrahiya, P.S.- Daudpur, Dist- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                     |   |                            |
|---------------------|---|----------------------------|
| For the Appellant/s | : | Mr. Ajit Kumar Singh, Adv. |
| For the State       | : | Ms. Abha Singh, APP        |
| For the Informant   | : | Mr. Amarendra Kumar, Adv.  |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

6      01-04-2024

1. Heard learned counsels for the parties.

2. This appeal has been preferred under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act against the order dated 27.04.2023 passed by the court of learned 1<sup>st</sup> Additional Sessions Judge, Saran at Chapra in connection with C.C. Case No. 05/2023 arising out of Daudpur P.S. Case No. 287/2022 registered for the offences under sections 302 and 120B read with section 34 of the Indian Penal Code, whereby and whereunder the court concerned rejected the bail prayer of the appellants.

3. Mr. Ajit Kumar Singh, learned counsel for the appellants submits that the appellants have been declared



juvenile but they are being tried as major in children court and the age of appellant no. 1 was seventeen years and five months and the age of appellant no. 2 was seventeen years and four months at the time of commission of the alleged occurrence. Learned counsel further submits that both the appellants *suo moto* surrendered on 23.11.2022 before the Juvenile Justice Board and since then, they have been languishing in remand home and they have clean past history.

4. Ms. Abha Singh, learned APP for the State as well as Mr. Amarendra Kumar, learned counsel for the informant has vehemently opposed the bail prayer of the appellants and submitted that the victim was student of B.Tech and he was brutally murdered.

5. Heard both the sides and perused the order impugned and social investigation report concerned to the appellants. The instant matter relates to brutal murder of informant's son who was a student of B.Tech and was studying in Calcutta and upon his body, nine stab wounds were found. Though while deciding the bail prayer of a juvenile, the gravity of offence is not material but social investigation report concerned to the appellants discussed in the order impugned goes against the appellants and the trial of the appellants is at



advance stage and as per submission made by informant's counsel, only two witnesses of prosecution remain to be examined. Considering these facts particularly taking into account the social investigation report concerned to the appellants, and also, the stage of their trial, this Court is not inclined to interfere with the order impugned and the same has been rightly passed. Accordingly, the instant appeal stands dismissed.

6. The trial Court is directed to expedite the trial of the appellants and take steps to conclude the same in the next nine months.

(Shailendra Singh, J)

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