

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4008 of 2023

Arising Out of PS. Case No.-119 Year-2021 Thana- SIMRI District- Darbhanga

XXXXXXXXXXXX, S/O XXXXXXXXXXX, Resident of Mohalla-
Balbhadrapur, P.S- Laheriasarai, Distt.- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Shraddhanand Paswan, Adv.

For the Respondent/s : Ms. Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 19-01-2024

1. Heard learned counsel for the parties.

2. This appeal has been preferred against the order dated 22.11.2022 passed by the learned Court of 1st Additional Sessions Judge-cum-Presiding Officer Children Court, Darbhanga in connection with P.C. Case No. 08 of 2022 arising out of Darbhanga Simri P.S. Case No. 119 of 2021 registered for the offence(s) punishable under Section(s) 394 and 302 of the Indian Penal Code and Section 27 of the Arms Act, whereby and whereunder the court concerned 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 though against the



appellant, eight criminal cases have been shown as his criminal antecedents but out of the said cases, he has been acquitted in seven cases and the appellant was implicated in all the said cases on account of high-handedness of the police and the prosecution failed to produce any incriminating evidence against the appellant in the said cases in which he has been acquitted and so far as the merit of the present matter is concerned, during investigation, the police failed to recover any evidence against the appellant to show his involvement in the alleged crime and even he was not put on *Test Identification Parade* and he has been languishing in remand home since 27.04.2022 and he has spent sufficient considerable period in remand home and he was remanded in the present matter from another P.S. Case. Further submission is that the appellant is not named in the FIR and other co-accused persons carrying identical allegations have been granted bail by different Benches of this Court.

4. Learned APP for the State has opposed the above-mentioned prayer for bail made by the appellant.

5. Heard both the sides and perused the order impugned and the case diary of this case, though in the present matter, several co-accused persons are on bail as submitted



above but the appellant has remained accused in eight criminal cases as disclosed in his petition that shows his criminal background though he has been acquitted in seven criminal cases but still there are two cases against him including the present one and learned APP has drawn the attention of this Court regarding the recovery of the firearms from the possession of the appellant during the course of investigation, so considering this aspect which raises a strong possibility of appellant's further involvement in another crime if he is released from observation home, this Court does not find merit in the present matter and the order impugned rejecting the bail prayer of the appellant appears to be proper and the same has been rightly passed as such this appeal stands dismissed.

6. The trial court is directed to expedite the appellant's trial and conclude the same in the next five months, if his trial is not concluded in the said period then he may renew his bail prayer before the trial court.

(Shailendra Singh, J)

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