

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4339 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- BELHAR District- Banka

XXXXX SON OF XXXXX RESIDENT OF VILLAGE- BARA, PS-
BELHAR, DISTT- BANKA (UNDER THE CARE AND GUARDIANSHIP
OF HIS FATHER NAMELY XXX 54 YEARS MALE , SON OF XXXX,
RESIDENT OF VILLAGE- BARA, PS- BELHAR, DISTT- BANKA

... .. Appellant/s

Versus

The State of Bihar

. ... Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Najmul Hodda, Adv.

For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 02-01-2024 1. Heard learned counsel for the appellant and learned
APP for the State.

2. The instant appeal has been filed under Section
101(5) of Juvenile Justice (Care and Protection of Children) Act,
2015 against the order dated 10.08.2023 passed by learned
Additional Sessions Judge 1st-cum-Children Court, Banka in
connection with Belhar P.S. case No. 461 of 2022 (G.R. No.
1486 of 2023) registered for the offences punishable under
Sections 302, 201 and 120B read with Section 34 of the IPC and
under Section 3(2)(va) of the Scheduled Caste and Scheduled
Tribe (Prevention of Atrocities) Act whereby the prayer for bail
made by the appellant has been rejected.

3. The main submissions advanced by learned counsel
for the appellant are that in the F.I.R. the appellant and two other



co-accused persons have been named, out of them, Shaligram Pandit and Anil Pandit have already been granted bail by a co-ordinate Bench of this court vide order passed in Cr. Misc. No. 2829/ 2023 and no one, including the informant, claimed to have seen the alleged occurrence and they simply raised suspicion against the appellant and other co-accused persons and father of the appellant is ready to take care of the appellant if he is released on bail. Further submission is that the appellant has been declared juvenile and has been languishing in jail since 30.11.2022 and at the time of commission of the alleged offence, he was below 18 years of age.

4. Learned APP appearing for the State has opposed the prayer for bail of the appellant and submitted that the learned trial court has rightly rejected the prayer for bail made by the appellant.

5. Heard both the sides and perused the F.I.R., case diary and Social Investigation Report concerned to the appellant. The instant matter relates to the brutal murder and informant's uncle's torso was recovered without head and during investigation in following with the disclosure statement made by co-accused Tuntun Pasi, head of the deceased was recovered, who also revealed the complicity of the appellant in



the alleged crime. Though, it is a settled principle of law that while deciding the prayer for bail of a juvenile or child the gravity of the alleged offence is immaterial but in the present matter the appellant has criminal antecedents of four cases which show his criminal background and as per Social Investigation Report, there is lack of discipline in the appellant and as per order impugned, the appellant was physically and mentally mature at the time of commission of alleged offence and the criminal background of the appellant rises an apprehension of his coming into contact with other criminals if he is released on bail at this stage. Accordingly, this court finds the order of learned trial court rejecting the bail prayer of the appellant to be proper and finds no sufficient reason to interfere with the same hence the instant appeal stands rejected.

6. The learned trial court is directed to expedite the trial of the appellant and take steps to conclude the same in the next one year, if the trial is not concluded within the said period, he may renew his prayer for bail before the trial court which will decide the same according to merit, without being prejudiced with the present order.

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(Shailendra Singh, J)

