

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4860 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- MUSAHARI District- Muzaffarpur

XXXXX S/o- XXXXX Village- Mohamadpur Badal Ps- Sakra Dist-
Muzaffarpur guardian of his father Shiv Chandra Sahni son of Satahu Sahni
Village- Mahmadpur Badal P.S.- Sakra Dist- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Ranjan, Advocate

For the Respondent/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-04-2024

1. Heard the parties.

2. The instant appeal has been filed under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act, against the order dated 19.08.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge Children Court, Muzaffarpur, in connection with Special Children Case No. 08 of 2023, arising out of Musahari P.S. Case No. 14 of 2023, registered for the offence(s) punishable under Section(s) 302/34 of the Indian Penal Code, whereby and whereunder the prayer for bail made by the appellant has been rejected.

3. Mr. Ravi Ranjan, learned counsel for the appellant submits that the appellant has been declared juvenile and at the time of commission of the alleged occurrence his age was 17



years and he has been languishing in remand home since 03.04.2023 and he has completed about 1 year in the remand home and as per the social investigation report, co-accused Badal Sahni @ Shiv Chandra Sahni has a son namely Pappu @ Golu, who was alleged to be involved in the trade of illicit liquor and the appellant's name is also Golu Kumar so on account of misunderstanding regarding his name, he has been implicated, in fact, he was not present in the village at the time of alleged occurrence and in this regard, social investigation report may be perused.

4. Mr. Anand Mohan Prasad Mehta, learned APP appearing for the State has opposed the prayer for bail of the appellant.

5. Considering the above submissions and mainly taking into account the social investigation report concerned to the appellant and also, the fact, that the appellant has spent considerable period in protective custody, in my opinion, the appellant deserves to the privilege of bail. Accordingly, let the appellant named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge Children Court, Muzaffarpur, in connection with Special Children Case No. 08 of 2023, arising



out of Musahari P.S. Case No. 14 of 2023 on the following conditions:

- (i) One of the bailors shall be father or mother of the appellant, who shall file his/her undertaking before the trial court at the time of furnishing bail bond to this effect that he/she will take care of the appellant after his release from the remand home during the trial period.
- (ii) Learned trial court shall call for progress report from the concerned authority regarding the development of the appellant, particularly, with regard to his educational development after a gap of every six months during the period of trial and if any adverse to the development of the appellant or appellant's further involvement in any criminal activity is found then the trial court shall take serious action against the appellant by taking him into custody after cancelling his bail bond.

6. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J)

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