

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4996 of 2024

Arising Out of PS. Case No.-83 Year-2020 Thana- NAVINAGAR District- Aurangabad

XXXXX, Son of [REDACTED] Resident of Village-Jaitiya Simari, P.O.-
Nabinagar Road, P.S.- Nabinagar, District- Aurangabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh, Adv.

For the Respondent/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 22-11-2024 1. Heard Mr. Sunil Kumar Singh, learned counsel for the appellant and Ms. Anita Kumari Singh, learned APP for the State.
2. This is the fourth attempt of the appellant to get the relief of regular bail while his earlier attempts for the same relief were rejected by different benches of this Court vide orders passed in Cr. App (SJ) Nos. 562/2022, 2555/2023 and 2456/2024.
3. This appeal has been preferred under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act against the order dated 25.09.2024 passed by the court of learned Children Court-cum-1st Additional Sessions Judge, Aurangabad, in connection with Children Court Case No. 02/2021 arising out of Nabinagar P.S. Case No. 83/2020



registered for the offences under sections 302, 120B/34 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.

4. Learned counsel for the appellant submits that this is the fourth attempt of the appellant to get the relief of regular bail and he has been declared juvenile and is being tried by the Children Court and he has been languishing in Remand Home since 06.05.2020 and presently, his age is about 21 years. It is further submitted that in the rejection order dated 03.11.2023 passed in Cr. App (SJ) No. 2555/2023 preferred by the petitioner, the trial court was directed by this Court to conclude the trial of the appellant within a period of six months but even then the appellant's trial is still running and out of fifteen prosecution witnesses, only five witnesses have been examined which shows that there is no chance of conclusion of appellant's trial in near future. It is further submitted that though there is criminal antecedent of six cases against the appellant but all the offences of the criminal antecedents are of minor offences and the appellant is on bail in all the said cases. It is further submitted that during the period of custody in Remand Home, the appellant's conduct has remained good.



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

6. Heard both the sides and perused the order impugned. Though there is a serious allegation against this appellant but he has spent about five years in Remand Home and despite giving direction to the learned trial court to conclude the trial of the appellant expeditiously vide order dated 03.11.2023, the trial of the appellant is still running and according to appellant's counsel, out of fifteen prosecution witnesses, only five witnesses have been examined till date which shows that there is no chance of conclusion of the appellant's trial in near future and further, the order impugned does not show that during the last five years of custody of the appellant in Remand Home, he has ever misbehaved with anyone and now he has got majority and he has spent sufficient period in protective custody. Considering these facts, the rejection of the appellant's prayer by the learned trial court does not appear to be proper, so, the order impugned is hereby set aside and the appellant named above is directed to be released on bail on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Children Court-cum-1st Additional



Sessions Judge, Aurangabad, in connection with Children Court
Case No. 02/2021 arising out of Nabinagar P.S. Case No.
83/2020.

7. In the result, the instant appeal stands allowed.

(Shailendra Singh, J)

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