

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5435 of 2023

In
CRIMINAL REVISION No.611 of 2023

Arising Out of PS. Case No.-665 Year-2021 Thana- ARA NAGAR District- Bhojpur

SAMBHU KUMAR @ SAMBHU YADAV Son of Lt. Manoj Rai @ Lt. Manoj Yadav R/o vill - Raghu Tola, Ward no. 34, P.S. - Ara Town, District. - Bhojpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 30-01-2024 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, against the order dated 11.07.2023 passed by learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Special Children Case No. 19 of 2022, arising out of Ara Town P.S. Case No. 665 of 2021, registered for the offence(s) punishable under Section(s) 302/34 of the Indian Penal Code and Section 27 of Arms 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 the appellant has been declared



juvenile and at the time of commission of the alleged offences he was 17 years 11 months and 3 days old and he has been languishing in remand home since 29.09.2021 and the social investigation report is not against him and he has got no criminal antecedent and one juvenile, carrying similar nature of allegation, has been granted bail by a co-ordinate bench of this court vide order dated 25.01.2023 passed in Criminal Revision No. 457 of 2022 and the FIR goes to show that the alleged occurrence was not pre-planned and the said occurrence took place in the spur of moment and there are sufficient major family members in the family of the appellant, who are ready to take care of the appellant after his release.

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

5. Considering the facts and circumstances of this case as well as above submissions and mainly taking into account the period which the appellant has undergone in observation home which is sufficient to keep him under observation and the social investigation report is not against him and the case diary goes to show that the alleged occurrence was not pre-planned and one juvenile, carrying the similar nature of allegation, is on bail, in my opinion, in the light of said circumstances, the appellant deserves to be released from the remand home. 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, Bhojpur at Ara in connection with Special Children Case No. 19 of 2022, arising out of Ara Town P.S. Case No. 665 of 2021 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.
- (iii) If the appellant tampers with any witness of the prosecution or any evidence concerned to the alleged offence during his trial then also the trial court shall take serious action against the appellant by



taking him into custody.

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

(Shailendra Singh, J)

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