

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5700 of 2023**

Arising Out of PS. Case No.-209 Year-2023 Thana- BRAHMPUR District- Buxar

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Ankit Singh @ Ankit Kumar Son of Late Ranjeet Singh R/o vill - Twining
Ganj, P.s. - Krishna Brahm, District. - Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.Abhay Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 07-02-2024 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 11.09.2023 passed by learned A.D.J. 1st
-cum-Special Judge (SC/ST and Children Court), Buxar, in
connection with Adult Children Case No. 16 of 2023, arising out
of Brahmpur (Krishna Brahm) P.S. Case No. 209 of 2023,
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's age was above
17 years and below 18 years at the time of commission of the



alleged occurrence, hence he has been declared juvenile and presently, he is facing trial in the Children Court and he has got no criminal antecedent and the main allegation of firing is against Ashish Yadav and during investigation, it came into light that the appellant tried to break an illicit relation running in between the deceased and one Anisha Singh and thereafter on account of this enmity the name of the appellant was intentionally involved in the alleged crime and there are several major family members in his family and the social investigation report is not against him and he has spent 9 months and 15 days in remand home.

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

5. Considering the above submissions and mainly the facts that appellant has got no criminal antecedent and the social investigating report is not against him and the case diary goes to show that the alleged incident was a result of a love triangle and the main allegation of firing is against co-accused namely, Ashish Yadav and appellant has spent considerable protective custody period in the observation home, in my opinion, in the said circumstances, 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 A.D.J. 1st-cum-Special Judge (SC/ST and Children Court), Buxar, in connection with Adult Children Case No. 16 of 2023, arising out of Brahmpur (Krishna Brahm) P.S. Case No. 209 of 2023 on the following conditions:

- (i) One of the bailors shall be mother of the appellant, who shall file her undertaking before the trial court at the time of furnishing bail bond to this effect that 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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