

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.26 of 2024

Arising Out of PS. Case No.-282 Year-2023 Thana- MASHRAK District- Saran

XXXX Son of XXXXX Resident of Village - Sikti Bhikham, P.S.- Mashrakh,
District - Saran at Chapra (Bihar), Under Legal Guardianship of his Mother
XXXXXX, Aged about 35 years, Female, Wife of XXXXX, Resident of
Village - Sikti Bhikham, P.S.- Mashrakh, District - Saran at Chapra (Bihar)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar, Advocate

For the Respondent/s : Mr. Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 01-04-2024 1. Heard learned counsel for the appellant and
learned APP for the State.

2. The instant appeal has been preferred under Section
101(5) of Juvenile Justice (Care and Protection of Children) Act,
2015 against the order dated 06.11.2023 passed by the Court of
learned Additional Sessions Judge-1st, Saran at Chhapra in
connection with Children Court Case No.-09 of 2023 arising out
of Mashrakh P.S. Case No. 282 of 2023, registered for the
offences punishable under Sections 341, 323, 324, 302 read with
Section 34 and 120(B) of the Indian Penal Code, whereby and
whereunder the appellant's prayer for bail has been rejected.



3. Mr. Rakesh Kumar, learned counsel appearing for the appellant submits that against the appellant there is general and omnibus allegation in the FIR, the informant is not eye-witness of the occurrence and four persons including the appellant have been named in the FIR. Learned counsel further submits that the appellant has got no criminal antecedent and at the time of commission of the alleged occurrence he was 17 years 04 months and 29 days old so he has been declared juvenile and is being tried in Children Court like a major. Learned counsel further submits that the appellant has been languishing in custody since 04.08.2023 and as per FIR, the informant went to the place of occurrence with one namely, Rupesh who is said to be a friend of the deceased but during investigation, the police suspected Rupesh to be involved in the commission of the alleged occurrence and there is no direct evidence against this appellant and he is a student of intermediate class and keeping him in Remand Home continuously will affect his educational career.

4. Learned APP for the State has opposed the appeal and submitted that the learned trial court has rightly rejected the appellant's prayer for bail.

5. Heard both the sides and perused the FIR, Case



Diary and Social Investigation Report concerned to the appellant. The instant matter relates to murder, though there is no direct and specific allegation against the appellant and four persons including the appellant have been named in the FIR and some have been shown as unknown but during investigation, it has come into light that the victim(deceased) was having some relationship with the sister of this appellant and thereafter, in furtherance of conspiracy, the victim(deceased) was called at the place of occurrence where he was murdered by this appellant and others. Though gravity of the offence is not material while deciding the bail prayer of a Juvenile but in the present matter the Social Investigation Report is not in favour of the appellant so considering this aspect it will be proper to keep the appellant in Remand Home for some period. Accordingly, this Court finds the order impugned rejecting the bail prayer of the appellant to be proper and there is no merit in this appeal, so it stands dismissed.

6. The appellant may renew his bail prayer before the trial court after nine months if no significant progress is made in his trial. If the appellant prefers this liberty then the learned trial court shall decide his prayer without being prejudiced with this order and according to merit.



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

(Shailendra Singh, J)

maynaz/-

U		T	
---	--	---	--

