

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.739 of 2025

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

Resident of village-Sikti Bhikham. Police Station-Mashrakh, District-Saran (Chapra), under the legal guardianship of his mother aged about 35 years (F) wife of resident of village-Sikti Bhikham, Police Station-Mashrakh, District-Saran (Chapra)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sachida Nand Rai, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-03-2025 Heard Mr. Sachida Nand Rai, learned counsel appearing for the appellant and Mr. Zeyaul Hoda, learned APP appearing for the State.

2. The instant appeal has been preferred under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act (in short 'J.J. Act') against the order dated 08.01.2025 passed by the learned 1st Additional Sessions Judge-cum- Children Court, Saran at Chapra 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 under sections 341, 323, 324, 302/34 and 120B of the Indian Penal Code, whereby the appellant's prayer for bail has been rejected.

3. The main submissions advanced by appellant's



counsel are that this is the second attempt of the appellant to get the relief of bail after his first prayer for the same relief by way of Cr. APP(SJ) No. 26/2024 was rejected by this Bench with giving him a liberty to renew his bail prayer before the trial court after nine months from that rejection order if no significant progress is made in his trial and in view of that liberty as well as the examination of the material prosecution witnesses, who have not supported the prosecution's case, the appellant has renewed his prayer before the trial court which was rejected without any ground and thereafter, he has challenged the said order before this Court by way of this appeal. Learned counsel further submits that the appellant has been languishing in Remand Home since 04.08.2023 and he has spent sufficient time in Remand Home and there is no complain against his conduct during his stay period in Remand Home and the most important circumstance going in favour of the appellant's prayer is the examination of the main prosecution witness, the informant of this case, who has been examined as P.W.-3. As per the prosecution story, it was the informant, mother of the deceased, who got the details of the accused persons including the appellant as being involved in assaulting her son which resulted in his death later on. But before the trial



court, the informant went hostile and in this regard, her deposition's copy has been filed along with the depositions' copy of two other prosecution witnesses as Annexure-3 series and all these witnesses went hostile. Learned counsel further submits that after the rejection of appellant's first prayer, three co-accused persons, namely, Munna Chaudhary, Pradip Chaudhary @ Pradeep Kumar Chaudhary and Kanhaiya Chaudhary carrying similar nature of allegation have been granted the relief of bail by a co-ordinate Bench of this Court vide orders passed in Cr. Misc. Nos. 81088/2024, 89920/2024 and 83036/2024 and one co-accused, namely, Krishna Chaudhary was granted bail vide order passed in Cr. Misc. No. 63070/2023, prior to the rejection of the appellant's first prayer. Learned counsel further submits that out of seven chargesheet prosecution witnesses, three prosecution witnesses have been examined till date which shows the lingering attitude of the prosecution in producing the prosecution witnesses in the trial of the appellant, who is facing trial as a child accused.

4. Learned APP for the State has opposed the prayer of the appellant and submits that there is serious allegation against the appellant.

5. Having considered the aforesaid submissions



advanced by appellant's counsel and mainly taking into account the evidence of the informant which completely goes against the prosecution story coupled with privilege of bail having been granted to several similarly situated co-accused persons by co-ordinate Benches of this Court and also the fact that the appellant has spent considerable period in Remand Home and prosecution has not revealed any misconduct of the appellant in Remand Home during his stay period till date, in my opinion, in the said circumstances, the appellant now deserves to be released on bail from the Remand Home. Accordingly, let the appellant named above be released on bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum- Children Court, Saran at Chapra in connection with Children Court Case No. 09 of 2023 arising out of Mashrakh P.S. Case No. 282 of 2023.

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

(Shailendra Singh, J)

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