

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1315 of 2025

Arising Out of PS. Case No.-248 Year-2021 Thana- KESARIA District- East Champaran

Munna Kumar S/o Sri Chhotelal Ray Resident of village- Sundrapur Malahi Tola, PS- Bijdhry, Kesaria, Distirct- East Champaran. Under the guardianship of Chhotelal Ray, aged 48 years, R/o vill - Sundarpur Malahi Tola, P.S. - Bijdhary, Distt- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Vaishnavi Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 10-07-2025 This is an appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015, challenging an order dated 2nd December, 2024, passed by the learned Special Judge Children's Court, East Champaran, Motihari, rejecting the bail of the appellant in Children Trial No. 08 of 2024, arising out of Kesariya P.S. Case No. 248 of 2021, dated 28th July, 2021, under Sections 302/34 of the I.P.C. read with Section 27 of the Arms Act.

2. The petitioner is full brother of the informant. It is alleged that the husband of the informant was murdered by the appellant and four others F.I.R. named accused persons by gun shot injury on 27th July, 2021 at about 8:15 P.M.

3. From the F.I.R., it is also found that on the date and



time of occurrence, the informant along with some village women went to the embankment of a river on the southern side of Sulis gate. At that time, they saw two motorcycle coming from western direction. The second motorcycle, on which three persons were travelling, stopped at some distance from the informant and other relatives. Immediately after started indiscriminate firing, seeing the incident, the informant and other women started running away towards their village. At that time, informant saw the appellant being his full brother firing indiscriminate from his pistol. Subsequently, the motorcycle riders fled away from the spot. Then the informant and other ladies went to the spot and found the husband of the informant lying dead being hit by gun shot.

4. It is contended on behalf of the appellant that the informant did not see the appellant firing at the deceased. Secondly, during investigation, two villagers claiming to be an eye witnesses of the occurrence were examined by the I.O., but they did not say the name of the appellant as one of the assailants. The appellant is in Protection Home for a pity long time. He is a minor. He passed his Secondary Examination. Considering all such aspect, the appellant may be released on bail.



5. Having heard the learned Advocate for the appellant and the learned A.P.P., who raised objection against the prayer for bail, this Court finds that age of the appellant was assessed as 17 years 9 months and 21 days on the date of commission of offence. Thus, he was about two months away from attaining his majority. A boy of 17 years 9 months and 21 days knows the effect of commission of offence of murder. Proviso to Section 12 (2) of the Juvenile Justice (Care and Protection of Children) Act clearly puts an embargo upon the Court from granting bail in case of heinous offence. The offence is undoubtedly heinous in view of the fact that the appellant was involved in committing murder of the husband of his elder sister.

6. Considering the heinous nature of offence, this Court is not willing to grant bail to the appellant at this stage. Prayer for bail is thus rejected.

7. The criminal appeal is accordingly dismissed.

(Bibek Chaudhuri, J)

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