

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2276 of 2023**

Arising Out of PS. Case No.-11 Year-2016 Thana- C.B.I CASE District- Muzaffarpur

SONU KUMAR SONU @ SONU KUMAR SONI @ SONU S/O LATE
UMA SHANKAR R/O Village- Mahiya Kumhar Toli, P.S- Siwan (Town),
Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. C.B.I through its Director, New Delhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binayak Kumar Shrivastav, Advocate
For the Respondent/s	:	Mr. Syed Ashfaque Ahmad, APP
For the CBI	:	Ms. Nivedita Nirvikar, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 18-04-2025 This is an application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, challenging legality, validity and propriety of the order, by the learned 1st Additional Sessions Judge-cum-Special Judge (Children Court), Muzaffarpur in Siwan Towan P.S. Case No. 362/2016 under Sections 302/120(B)/34 of the IPC and Section 27 of the Arms Act. By passing the impugned order dated 11th August, 2021, the appellate court rejected the prayer for bail of the appellant.

2. The learned counsel for the appellant submits that earlier the bail applications of the appellant were rejected by order dated 11th July, 2018, in Criminal Miscellaneous Case No.



62516 of 2017 for non-prosecution and Criminal Miscellaneous Case No. 22782 of 2022 vide order dated 21.09.2022.

3. The prosecution story in brief is that the informant's husband, namely, Rajdeo Ranjan, was murdered by some unknown persons on 13th May 2016, who was a journalist in Hindustan at Siwan. The deceased got a call on his mobile phone on 13th May, 2016 at about 7:15 pm, and thereafter he left from the Hindustan Office towards Railway Station Road. When he reached near the fruit market, some unknown persons fired at him and killed him by firing through a silencer gun which hit him on the head, neck, and stomach. He was hit by five bullets, due to which he died on the spot.

4. Subsequently, I.O. submitted its final report/charge sheet no. 6 on 21st December 2016 against the appellant under Section 120B/302 of the IPC and Section 27 of the Arms Act.

5. It further appears that during the investigation, it was revealed that on 13th May 2016, the accused persons, along with the appellant, gathered near the deceased's office at Babunia More at about 7:20 to 7:25 pm and waited for Rajdeo to come out of the office, and thereafter they followed him, and the appellant, along with some other accused, maintained some distance from Rajdeo when he was finally fired by Rohit Kumar



Soni near the fruit market at Station Road.

6. It further appears that during the investigation, the appellant was taken into custody on 28th September 2016, and he has admitted his involvement in the commission of the crime. He stated that the appellant, along with other accused, planned the murder of Rajdeo a day before his murder at Hotel Panpasand near Hotel Amarapali in Siwan, where one of the accused stated that Laddan Miyan had ordered him to kill Rajdeo Ranjan.

7. Subsequently, JJB, Muzaffarpur, has held the appellant to be a juvenile aged about 17 years, 2 months, and 29 days on the date of the occurrence, i.e., on 13th May 2016, on the basis of the matriculation documents like the admit card, mark sheet, registration slip, and provisional certificates issued by the BSEB, Patna, in which the date of birth of the appellant has been mentioned as 14th February 1999.

8. Further, the 1st Additional District Sessions Judge-cum-Special Judge (Children Court), Muzaffarpur, rejected the appeal filed by the appellant, stating that it was a well-planned murder by professionals having full knowledge of the consequences of offence. The learned 1st Additional Sessions Judge has taken into account the order passed by the JJB and



opined that there is no merit in the impugned petition preferred by the CICL under Section 19 of the JJ Act, 2015, and accordingly the trial judge rejected the appeal of the appellant as being devoid of merit and directed the appellant to be put on trial as an adult under the provision of Section 19(1) (i) of the JJ Act, 2015.

9. Learned counsel for the appellant further submits that the appellant has been in custody since 01.10.2016 and the trial is not concluded till now, and he further submits that there are 51 witnesses, out of whom only 15 witnesses have been examined, and 36 witnesses are yet to be examined. He further submits that by no stretch of imagination, the trial would be concluded expeditiously and within the time frame. Another, co-accused person was granted bail on similar circumstances by this Court in Criminal Miscellaneous No. 17428 of 2023.

10. On the other hand, learned senior counsel appearing on behalf of the CBI has submitted that the appellant has committed heinous crime along with other accused persons. Learned senior counsel for the CBI further submits that the Juvenile Justice Board, Muzaffarpur, has conducted the preliminary assessment of the appellant in the instant case on 11th August, 2021. The Board had made all attempts to reform



him, and he was given all the benefit of the presumption of innocence and was treated with utmost dignity, but all the efforts by the Board bore no fruit. The Board opined that the appellant has full capacity and understanding of the act, allegedly, committed by him. Despite the lenient treatment and all the reformatory steps taken by the Board, the appellant remained very aggressive; he was mentally and physically fully capable of understanding the application of the act and has committed the offence, and on such basis, learned senior counsel for the CBI prays to dismiss the appeal of the appellant.

11. I have perused the impugned order passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge (Children Court), Muzaffarpur in CBI Case No. R.C. 11(S)/2016 corresponding to Town (Siwan) P.S. Case No. 362/2016 in Tr. No. 2/2021. It is found from the order that the learned court of appeal failed to appreciate the ratio laid down by this Court in ***Lalu Kumar And Ors. Vrs. The State of Bihar And Ors.***, reported in ***2019 (4) P.L.J.R. 833*** while dismissing the criminal appeal. I have perused the materials on record and considered the submissions made on behalf of the parties.

12. The appellant has been in custody since 01.10.2016. The trial of the case is still in its primitive stage.



There is no chance of its being concluded in the near future. The learned senior counsel for the CBI is not in a position to rebut the submission of the learned counsel for the appellant in regard to the early conclusion of the trial of the case.

13. In view of such circumstances and considering the incarceration of the appellant, the appellant, above-named, is directed to be released on bail on his furnishing a bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Muzaffarpur, in connection with the Siwan Town P.S. Case no. 362 of 2016 corresponding to CBI Case No. RS. (11S) 2016 in Sessions Trial No. 02/2021 with further conditions as laid down hereunder:

(i) One of the sureties/bailors must be one of the parents or a close relative of the appellant.

(ii) The father or close relative of the appellant shall file an affidavit before the 1st Additional District Sessions Judge-cum-Special Judge (Children Court), Muzaffarpur, giving a specific undertaking that after the release of the appellant on bail, he will take proper care of the appellant and will not allow him to fall into bad company.

(iii) The appellant shall remain present before the



court and/or the police, as the case may be, as and when required.

14. With the above order, the instant criminal appeal is allowed on contest.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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