

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3619 of 2024**

Arising Out of PS. Case No.-18 Year-2019 Thana- JHAJHA District- Jamui

Rajesh Yadav son of Jago Yadav @ Jaggu Yadav Village- Karra Ps- Laxmipur
Dist- Jamui

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar Sinha,Adv.

For the Respondent/s : Mr.Syed Ashfaque Ahmad, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 28-02-2025

Heard both the parties.

02. This is an appeal under Section 101(5) of the Juvenile Justice Act against the refusal of prayer for bail by order dated 09.07.2024 passed by the learned Additional Sessions Judge-I, Jamui in connection with Children Case No. 09 of 2024 arising out of Jhajha P.S. Case No. 18 of 2019, registered for the alleged offences under Sections 147, 148, 149, 302, 427, 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 314 of the Explosive Substances Act.

03. As per prosecution case, appellant and other co-accused persons ambushed the vehicle in which the informant was supposed to travel. The appellant and other co-accused persons hurled bombs and fired upon the vehicle in which two



persons lost lives and the driver fled away from the spot. The occurrence took place in the background of rivalry of the informant and the other side over Mukhiya election.

04. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The informant is not an eye witness and the FIR has been lodged on the basis of statement of driver Mamta Yadav who has subsequently been made accused in the case along with the appellant and other co-accused persons. A number of similarly placed co-accused persons have been granted bail by different Benches of the Court vide orders dated 29.08.2019, 6-11-2019, 22-12-2021, 16-5-2022, 16-5-2022, 5-7-2022, 21-2-2023, 6-9-2023, and 13-10-2023 passed in Cr. Misc. No. 43176/2019, Cr. Misc. no. 49434/2019, Cr. Misc No. 21239/202, Cr. Misc No. 54935/2021, Cr. Misc No. 59581/2021, Cr. Misc No. 78020/2019, Cr. Misc. No. 62022/2022, Cr. Misc No. 60063/2023 and Cr. Misc. no.- 68215/2023, respectively.

Learned counsel further submits that the appellant has been in custody since 23.11.2023 and charge sheet has been submitted. The appellant was juvenile at the time of the occurrence but as he was aged more than 16 years, his case was transferred to the Children's Court. Learned counsel further



submits that the deposition of the informant was recorded and he specifically stated in cross examination that this appellant was not involved in the occurrence. Learned counsel further submits that the charge sheet also shows that there is no specific allegation against the appellant. Learned counsel further submits that learned trial court ought to have considered the fact that the appellant was juvenile and his prayer of bail was to be considered under Section 12 of the Juvenile Justice Act. Now, the appellant has become major and he undertakes that he would not join or indulge in any manner with any anti-social elements. The appellant would fully cooperate in trial and would not try to influence the witness or tamper with the evidence. The appellant is also having antecedent of two cases and he is on bail in both the cases.

05. Learned Spl.P.P. for the State opposes the submission made on behalf of the learned counsel for the appellant. Learned Spl.P.P. submits that the appellant has been named in the case as one of the assailants and the appellant is having antecedent of two cases. Learned Spl. P.P. submits that the bail petition of a number of co-accused persons have been rejected. The bail petition of Rahul Kumar Rawat was refused by this Court vide order dated 28.09.2022 in Cr. Misc. No.



79953 of 2019. Learned Counsel further submits that bail petition of Suresh Yadav was rejected vide order dated 04.12.2019 passed in Cr. Misc. No. 47703 of 2019, Surendra Paswan was rejected vide order dated 11.06.2020 passed in Cr. Misc. No. 4119 of 2020 and co-accused Mamta Yadav was refused bail vide order dated 15.12.2020 passed in Cr. Misc. No. 60007 of 2019 though he was subsequently granted bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet and period of custody of the appellant who is stated to be a juvenile at the time of occurrence and further considering the absence of specific allegation against the appellant and the possibility of the appellant not joining the company of bad elements, let the appellant above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Special Judge (Children Court)-cum-Additional Sessions Judge-I, Jamui in connection with Children Case No. 09 of 2024 arising out of Jhajha P.S. Case No. 18 of 2019, subject to the condition laid



down under Section 437(3) of the Code of Criminal Procedure
and other following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below, if so required by the learned trial court.

07. Accordingly, the impugned order dated 09.07.2024 is set aside and the appeal stands allowed.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28.02.2025
Transmission Date	28.02.2025

