

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3790 of 2024**

Arising Out of PS. Case No.-681 Year-2023 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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Abhay kumar son of Late Pankaj Singh @ Pankaj Kumar village- Bhairwar,  
PS- Begusarai Muffasil, dist- Begusarai through his mother and natural  
guardian Mamta Kumari (female), age 40 years, wife of Late Pankaj singh @  
Pankaj Kumar, Resident of village- Bhairwar, Ps- Begusarai Muffasil, Dist-  
Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------------|
| For the Appellant/s  | : | Mr. Pushpendra Kumar Singh, Advocate |
| For the Respondent/s | : | Mr. Ramchandra Singh, Advocate       |

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

2      21-02-2025                      This is an appeal under Section 101(5) of the Juvenile  
Justice (Care and Protection of Children) Act, 2015, filed on  
behalf of one Abhay Kumar, CiCL, who has been made accused  
in connection with the Begusarai Muffasil P.S. Case No. 681 of  
2023 dated 21st November 2023, under Sections 302/201/34 of  
the IPC and Section 27 of the Arms Act.

2. It is submitted by the appellant that the appellant  
was aged about 17 years old and a few months on the day of the  
commission of offence. The Fir discloses the story that on 20th  
November 2023 at about 12:00 in the noon one Chhotu Kumar  
of the same village came to house and took his son Prince  
Kumar, since deceased to a nearby orchard. After some time, the



informant and his brother-in-law, Pradeep Kumar, were going to a shop to purchase manure. When they were crossing the said orchard, they heard hue and cry coming from the said orchard. They followed the sound and found that the said Chhotu Kumar, Babli Kumar and the appellant being armed with the firearms were forcibly dragging the son of the informant inside the orchard. Seeing this, the informant ran towards him, but by this time, the appellant and Chhotu Kumar fired two shots at the son of the informant. Seeing this, the informant fled away from the spot shouting. After some time, some persons brought the dead body of his son in front of the door of the house of the informant.

3. It is contended on behalf of the appellant that the incident narrated in the FIR appears to be false and concocted because of the fact that the father would not flee away even seeing his son being assaulted by the accused persons. The entire FIR was false, and therefore, the appellant should be released on bail.

4. Having heard the learned counsel for the appellant and the State respondent and on perusal of the impugned orders passed by the Juvenile Justice Board as well as the learned 1st Additional Sessions Judge-cum-Special Judge Children's Court,



Begusarai, this Court finds that the appellant was at the verge of majority on the date of commission of offence . The offence, complained of is heinous in nature. The FIR was filed without any delay. At this stage, this Court is not in a position to consider whether the contents of the FIR were false and concocted or not.

5. For the reasons stated above and considering the heinous nature of the crime, I am not inclined to release the petitioner on bail. The instant appeal is, therefore, dismissed.

**(Bibek Chaudhuri, J)**

Suraj Dubey/-

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