

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4059 of 2024

Arising Out of PS. Case No.-566 Year-2020 Thana- GARKHA District- Saran

Rohit Mahato, Son of Late Shivpujan Mahato, Resident of Village- Hakma,
P.S.- Garkha, Distt.- Chapra

... .. Appellant/s
Versus
The State of Bihar

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 3830 of 2024
In
CRIMINAL REVISION No.511 of 2024

Arising Out of PS. Case No.-565 Year-2020 Thana- GARKHA District- Saran

Rohit Mahato, son of Late Shivpujan Mahato, village- Hakma, Ps- Garkha,
Dist- Chapra

... .. Appellant/s
Versus
The State of Bihar

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 4059 of 2024)
For the Appellant/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Mukeshwar Dayal, APP
(In CRIMINAL APPEAL (SJ) No. 3830 of 2024)
For the Appellant/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 19-06-2025 **Cr. APP (SJ) No. 3830 of 2024**

1. The instant appeal is directed against an order of
rejection of bail, passed by the learned Special Judge, Children's
Court, Saran in C.C. Case No. 10 of 2023, rejecting the prayer



for bail of the appellant in connection with Garkha P.S. Case No. 565 of 2020, for the offences punishable under Sections 302, 307, 120(b) and 34 of the IPC and Sections 25 (1-b)a and 27 of the Arms Act and Sections 3/4 of Explosives Substance Act.

2. The appellant was a juvenile at the time of commission of the alleged incidence. The name of the appellant was recorded in the statement of the *de facto* complainant on the basis of disclosure of name by the apprehended accused. The co-accused, namely, Vijay Mahto was released on bail in Cr. Misc. No. 40489 of 2022 vide order dated 10th of January, 2023. The appellant stands in the same footing, nay better footing because he was juvenile on the date of the alleged incidence and his prayer for bail ought to be decided on the principle of presumption of innocence. The Children's Court did not consider that the co-accused has already been granted bail. The appellant is in custody since 23rd of November, 2020.

3. Considering such long detention, this Court is inclined to release the appellant on bail on furnishing bail bond of Rs. 20,000/- with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saran in connection with Garkha Case No. 565 of 2020, one of whom



must be one of the parents/brothers of the appellant.

Cr. APP (SJ) 4059 of 2024

1. The instant appeal is directed against an order passed by the learned Special Judge, Children's Court, Saran in C.C. No. 6 of 2024 on 24th of July, 2024, rejecting an application for bail filed by the appellant, who was juvenile on the date of commission of offence. It appears from the record that the Garkha P.S. Case No. 565 of 2020 under Sections 302, 307, 120(b) and 34 of the IPC read with Sections 25 (1-b)a/ 27 of the Arms Act and Sections 3/4 of Explosives Substance Act was registered against the appellant and other and in course of investigation of the case, police recovered a fire-arm from the house of the appellant and registered a separate case bearing Garkha P.S. Case No. 566 of 2020 dated 23rd of November, 2020 under Sections 25 (1-b)a/ 27 of the Arms Act and 3/4 of Explosives Substance Act.

2. In my considered opinion, Garkha P.S. Case No. 566 of 2020 does not lie because fire-arm was recovered while investigating Garkha P.S. Case No. 565 of 2020.

3. Therefore, the said fire-arm ought to be tagged with Garkha P.S. Case No. 565 of 2020.

4. In Garkha P.S. Case No. 565 of 2020, the appellant



has already been released on bail.

5. On the same reason, the appellant is directed to be enlarged on bail in the instant appeal also, on furnishing bail bond of Rs. 20,000/- with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saran in connection with Garkha Case No. 566 of 2020, one of whom must be one of the parents/brothers of the appellant.

6. Accordingly, both the application stands disposed of.

(Bibek Chaudhuri, J)

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