

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3958 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- GHURNA District- Araria

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NAZIBULLAH @ TAJIBULLA Son of Manir @ Maniruddin Through Manir @ Maniruddin, Aged about 50 years Male, In the capacity of Father, Natural Guardian of Minor who has been declared Minor by the Juvenile Justice Board, Resident of village - Babuwan, P.S.- Ghurna, District – Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Nafisu Zzoha, Advocate
For the Respondent/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 19-04-2025 The appellant is a declared minor by the Juvenile Justice Board. He was arrested in connection with Ghurna P.S. Case No. 07 of 2024 dated 17.03.2024 under Sections 363, 365 of the I.P.C. with added Sections of 302 and 201 of the I.P.C.

2. The prayer for bail was rejected by the learned 1st Addl. Sessions Judge cum Spl. Judge, Araria. The said order is assailed in the criminal appeal under Section 101(5) of the J.J. Act, 2015.

3. Prosecution case is that on 14.03.2024, at about 6 A.M., when the brother of the informant, namely, Md. Imran

was sleeping, an unknown person called him over phone and asked him to reach the local bus stand. He immediately went there and thereafter, he was not found. Initially, a case under Section 363/365 was registered and subsequently Section 302 of the I.P.C. was added.

4. The appellant is not named in the F.I.R., during investigation the appellant was arrested and the only material lying in the hand of the prosecution against the appellant is an alleged confessional statement made by the appellant before the police. It is needless to say that any statement, confessing guilt by the accused/CICL before the police during investigation, is not admissible in evidence. Apart from such inadmissible evidence, there is nothing against the appellant. The appellant is under protective custody since 02.04.2024, therefore, I am inclined to release the appellant on bail.

5. Considering such aspect of the matter, let the above-named appellant, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties, one of whom must be local surety, of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Spl. Judge, Araria in connection with Special (Children) Case No. 08 of 2024 arising out of Ghurna P.S. Case No. 07

of 2024.

6. In view of the above, the instant appeal is allowed
on contest.

(Bibek Chaudhuri, J)

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