

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.715 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- SURSAND District- Sitamarhi

Jilajeet Sahani Son of Suresh Sahni R/o Village- Maruki, P.S.- Sursand,
District- Sitamarhi Under Guardianship of his Mother Shivkali Devi aged
about 48 years (Female) Wife of Suresh Sahni, R/o Village- Maruki, P.S.-
Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Respondent/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 28-02-2025 Heard learned counsel for the petitioner and learned
APP for the State,

2. The instant criminal revision is filed against an order dated 28th May, 2024, passed in Criminal Appeal No. 14 of 2024, whereby and where-under the learned Additional Sessions Judge-I-cum-Special Judge, Children's Court, Sitamarhi, rejected the prayer for bail of the petitioner, who according to determination by the Juvenile Justice Board happens to be a juvenile on the date of commission of offence. The petitioner has been denied bail in connection with First Information Report No. 451 of 2023 registered with Sursand P.S., Sitamarhi dated 14.08.2023 for the offences punishable under 302, 363, 201, 120B and 34 of Indian Penal Code, 1860 respectively.



3. The prosecution case in brief is that Kamod Yadav Son of Late Lakshmi Yadav filed a written report on 14.08.2023 at 15:00 hours alleging inter-alia that on the night of 10.08.2023 at about 08.00 P.M. (1) Chandan Sah Son of Dinesh Sah, (2) Jilajeet Sahni Son of Suresh Sahni, (3) Vidyanand Kumar Son of Lal Bahadur Ray, (4) Bajrangi Sahni Son of Dasrath Sahni, (5) Suresh Sahni Son of Late Harak Sahni, (6) Dinesh Sah Son of Sophi Sah and (7) Vinod Yadav Son of Late Ram Daresh Ray, all residents of village Maruki, P.S.- Sursand, District- Sitamarhi came to call his son Mudrika Kumar aged about 17 years and took him for a walk to a bridge near the village. The informant alleged that when his son did not return home till late that night he thought his son might have slept at the house of those persons and on next day when informant asked about his son from those persons, they told him that his son had gone to a relative's place. Thereafter, informant and his family members started searching for his son in the nearby villages and relative's place but he could not be traced. Thereafter the informant filed the FIR and named the above named persons as accused under the suspicion that they had murdered his son. The informant explained the delay in lodging the FIR as he was searching for his son and having failed to find him, he approached the police



by submitting his written application on 14-08-2023.

4. On the basis of the aforesaid written report of informant Kamod Yadav, the instant case bearing Sursand P.S. Case No. 451 of 2023 registered under Sections 302,363,201, 120(B)/34 of Indian Penal Code against the seven named accused including the petitioner and accordingly the police proceeded with investigation and submitted the charge-sheet.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case by informant only on suspicion. He further submitted that the informant was not an eye witness of the actual killing of deceased and during investigation not even a single eye witness had come forward to say that he had seen the petitioner with deceased on the place of occurrence or near the place of occurrence. He further submitted here that there was no specific allegation against the petitioner and the informant named him because he allegedly saw the petitioner and other co-accused with the deceased Mundrika Kumar on the night of occurrence.

5.i. He further submitted that co-accused Chandan Sah and Rahul Kumar were arrested by police and the police recorded their extra judicial confessional statement in which they confessed their guilt and disclosed the name of their



associates including the name of petitioner. He submitted that police also arrested the petitioner and recorded his extra judicial confessional statement according to convenience whereas petitioner has never confessed voluntarily before police.

6. Learned APP for the State has vehemently opposed the petitioner's petition for bail. He submitted that the petitioner is a child in conflict with law and is a gambling and drug addict. He further submitted that there is reasonable grounds for believing that if the petitioner is released on bail he would continue his habit of gambling and consuming drugs and come into association with the other bad elements of the society. He further submitted that the allegations levelled against the petitioner are serious and grave in nature and thus he should not be released on bail.

7. The learned Juvenile Justice Board, Sitamarhi, *vide* its order dated 19.02.2024 rejected the petitioner's bail application on the grounds that the offences levelled against the petitioner are serious in nature and if the petitioner is released there is apprehension of moral, physical and psychological danger to him and in such circumstances his release would defeat the ends of justice. The learned Additional Sessions Judge-I-cum-Special Judge, Children's Court, Sitamarhi,



rejected the prayer for bail of the petitioner and upheld the order of the Juvenile Justice Board, Sitamarhi by which the prayer of bail of the petitioner was rejected and dismissed the appeal.

8. Having perused the FIR, case diary and the materials on record, it is seen that the Social Investigation report and the Social Background Report indicates that the petitioner was an illiterate child and was addicted to gambling and smoking. The reports further reveal that the petitioner and other co-accused murdered the victim after losing money in gambling. As per the confessional statement of the petitioner and co-accused Chandan Shah they were under the effect of intoxicants and thus committed the alleged offence.

8.i. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 reads as under:

“12. (1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for



denying the bail and circumstances that led to such a decision.”

9. The present petition falls in the ambit of the proviso to Section 12(1) of the Juvenile Justice Act, 2015. There is ample material in the case diary about the specific role of the present petitioner in committing the offence. The murder of the victim was done conjointly by the seven accused persons. Two persons including the petitioner held the hands of the victim. The petitioner climbed on the victim's chest and held him to the floor while co-accused Chandan Shah strangled the victim to death. Following the murder, the accused hid the dead body near the place of occurrence. The petitioner and co-accused Chandan Shah went to the alleged place of occurrence the next day to see the dead body and made sure they covered it up properly in the mud. It might be a fact that at the time of commission of the offence, the petitioner was juvenile, but the manner in which the offence was perpetrated, confidence of this Court does not inspire to grant bail of the petitioner. I am of the opinion that given the tense atmosphere in the village following the alleged occurrence, the petitioner will be exposed to moral, physical and psychological dangers if he is released on bail. He would also come in contact with the bad elements of the society which would deprive him of the opportunity to get rid of his habits of



gambling and consuming drugs. It is also noted that the charges against the petitioner are serious and grave in nature.

10. Accordingly, I do not find any illegality or material irregularity in the judgement dated 28th May 2024, passed in Cr. (Juvenile) Appeal No. 14 of 2024 and the present Cr. Revision is dismissed accordingly.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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