

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4782 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- MATIHANI District- Begusarai

Rohit Kumar S/o Ram Aadhar Singh R/o Village- Sihma, Ward No. 1, P.S.- Matihani, District- Begusarai. Under the guardianship of his mother Rita Devi @ Riota Devi aged about 56 years (Female) W/o Ram Aadhar Singh, R/o Village- Sihma, Ward No.1, P.S.- Matihani, District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Namita Sharma, Advocate Mr. Anshu Dhar Sharma, Advocate
For the State	:	Mr. Ziaul Hoda, Spl.P.P
For the Informant	:	Mr. Anil Kumar, Advocate Mr. Pankaj Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 25-04-2025 Heard Learned Counsel for the appellant and Learned Special Public Prosecutor for the State. Learned Counsel for the informant appears *suo-motu* in this case.

2. The present Cr. Appeal (SJ) Application has been filed for setting aside the order dated 27.08.2024 passed by the Additional Sessions Judge-I-cum-Special Judge, (Children Court), Begusarai in J.J.C.P Case No. 06 of 2024 arising out of Matihani P.S. Case No. 97 of 2023 lodged on 02.07.2023, for the offence punishable under sections 363 & 34 of the Indian Penal Code and later on, sections 302, 201, 120(B) of the IPC has been added.

3. As per the prosecution, FIR has been lodged against



unknown persons and the name of appellant has come in this case during investigation and from the order impugned, it transpires that material has come that the present appellant (juvenile) in conflict with law along with his father has committed murder of the informant's son. It also transpires from the rejection order that after going through the social investigation report, the Sessions Court reached on the conclusion that the present appellant who is in conflict with law has no fear of law and there is physical, mental and psychological danger with him if, he released on bail.

4. Learned Counsel for the appellant submits that the appellant is innocent and has committed no offence. Counsel submits that the present appellant is a juvenile and under the Juvenile Justice (Care and Protection of Children) Act, 2000, he cannot be treated as an accused and considering the principles of juvenility, the appellant be released on bail. Counsel submits that the guardian of the appellant is ready to undertake before this Court that the appellant will not involve in any illegal activity in the future. Counsel further submits that it is not a case of murder, rather, it is a case of love affair in which the appellant's name has unnecessarily been figured in this case and in result, he become child in conflict with law. Counsel submits



that from the contents of the FIR, it become crystal clear that the appellant is not named in the FIR and the said FIR has been lodged against unknown persons. But, at the instance of police, the appellant's name has been inserted in this case. Counsel further submits that the appellant is in custody since 06.07.2023 having one criminal antecedent in which he is on bail. Counsel submits that on previous occasion, this Court has called for case diary as well as social investigation report by which it become crystal clear that the appellant deserves bail in this matter.

5. Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellant and submits that upon perusal of the relevant paragraphs of the case diary, there is specific corroboration and the dead body of the deceased (informant's son) has been recovered on the disclosure of the appellant. It has also come in the case diary that the appellant along with his father in connivance with each other has committed the alleged offence i.e. killing of the informant's son. Counsel further submits that there was repeatedly talks between the deceased and the appellant through mobile and just prior to the alleged incident, they were in immediate contact and repeatedly used to talk with each other. Counsel further submits that social investigation report is attached with the case diary



and from the said social investigation report, it has come that father of the appellant is accused in this case and there is one more case in which the appellant is in conflict with law and if, he shall be released on bail then, there may be a lack of proper guidance and it may happens that the appellant may again do something according to which he shall be in conflict with law in more cases. Counsel submits that presently, the appellant is in reformatory home and he is not in jail and at the cost of reformation, the appellant may not be released on bail.

6. Learned Counsel for the informant appearing *suo-motu* in this case opposes the prayer for bail of the appellant and submits that in the case diary, the entire material has come in which the appellant's involvement is direct in this matter in connivance with one of his friend namely, Amit Kumar, his father and he himself.

7. After hearing the parties and upon perusal of the records, this Court keeping in mind that a juvenile is not an accused, rather, he is always in conflict with law and the only point which is in the mind of the Court is that the reformation of the child. From the social investigation report, it transpires to this Court that if the appellant released on bail then, there shall be no question of any reformation, as the appellant's father is



himself accused under section 302 of the I.P.C. and earlier also, in another case, he is in conflict with law and only keeping the appellant in reformatory home, shall reform the juvenile/ appellant.

8. In the present facts and circumstances of this case, this Court is not inclined to grant bail to the appellant. Accordingly, the prayer for bail of the appellant is hereby rejected.

(Dr. Anshuman, J)

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