

Court of Special Judge (Children Court), Gaya
Juvenile Trial No. 7/2021

08.12.2021 The petition dated 08.12.2021 filed on behalf of the accused/petitioner Raja Kumar is pressed.

It has been submitted on behalf of the petitioner that a bail petition on behalf of the petitioner has been filed before the learned Court on 31.08.2021 of the the petitioner Raja Kumar. Prayer has been made to permit the petitioner to press the bail petition dated 31.08.2021.

Heard. Prayer is allowed. The petitioner is permitted to press the bail petition dated 31.08.2021.

(Dictated)

Sd/-
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(I.A. No. 1/2021)

Later on

08.12.2021 Bail petition dated 31.08.2021 filed on behalf of petitioner /CICL Raja Kumar who is in custody since 17.09.2020 in Vishnupad P.S. Case No. 124/2020 u/s 302/120(B) of I.P.C. has been pressed by his learned counsel.

It has been submitted on behalf of petitioner C.I.C.L. that earlier the bail petition of the petitioner/C.I.C.L. has been disposed of by Juvenile Justice Board and appeal and revision both have been disposed of upto Honourable High Court, Patna. The petitioner/C.I.C.L. is a man of clean antecedent and no case is pending anywhere against the petitioner. Petitioner/C.I.C.L. is quite innocent and has committed no offence and has falsely been implicated in this case under conspiracy. Petitioner is juvenile and he has not played any role in alleged occurrence. There is no specific allegation is levelled against the petitioner. There is no eye witnesses of the occurrence. Co-accused of this case namely Suraj Kumar and Sahib Kumar have granted bail by Hon'ble High Court, Patna. Parents of the petitioner is ready to undertake to keep away the petitioner from criminal activities. Parents are ready to furnish the reasonable surities to the satisfaction to this court.

Learned Special P. P. opposed the bail.

As per F.I.R., prosecution case in brief is that on 04.08.2020 in the morning at 6 A.M. one Chandan Kumar and Vishnu Kumar reported to informant coming at his house and told him that your brother was murdered in the Falgu river. Having heard this versions the family member started weeping and reached at Falgu river where they saw that the brother of the informant was found dead in the covered with blood in the river and on inquiry the Chandan Kumar and Vishnu Kumar told the brother was murdered by one Mukesh Kumar, Dhananjay Sharma, Pappu Sharma, Rakesh Kumar, Amit Sharma, Chandan Kumar, Vishnu Kumar and Raja Kumar hatching conspiracy. On written application an F.I.R. was lodged against the accused persons.

Having heard the learned counsel for the petitioner C.I.C.L. as well as the learned Special P.P. for the State and from perusal of the record, it transpires that allegation against the petitioner/ C.I.C.L. is that he alongwith other co-accused in collusion with each other conspired and killed the brother of the informant of this case at Falgu river. From perusal of the Social investigation report, it transpires that petitioner and his father are daily wages labour, social and economical condition of his family is very week. The parents have no proper control and guardianship over petitioner/C.I.C.L. He is arrogant boy and used to take decision at his own. Due to lack of proper

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guardianship and care towards the petitioner/C.I.C.L. He is in bad company and keeps away himself out of the house for few days without any information to the family members. He has left his education. He is under peer group influence. His friends are older in age and from the perusal of case diary and entire material available on the record, it becomes explicit that the petitioner /C.I.C.L. have bad company and after hatching conspiracy with his friend who are older in age have committed murder of the young brother of the informant. Criminal Appeal of the petitioner/C.I.C.L. have already been rejected upto the Hon'ble High Court, Patna. No any fresh ground brought on the record.

Thus, considering the above discussed facts and circumstances & social investigation report, case diary and material available on the record that the C.I.C.L. have bad company. The manner of offence committed by the C.I.C.L. shows that he is man of criminal mindset and has left his education. C.I.C.L. and father is labour by profession. Parents of the C.I.C.L. have no proper care and control over the him and I finds no element of reform in C.I.C.L. at present stage of the trial and if he is released on bail, he might again come in association of his bad company and might be involved in other offences and allowing bail would defeat the ends of justice and the purpose of reform in the C.I.C.L. would not take place and his release would also be against the interest of the C.I.C.L and there is also chance of moral, physical and psychological danger to the C.I.C.L. by shunning and criticizing by the society. Hence, bail petition of the petitioner/CICL is hereby rejected.

(Dictated)

Sd/-

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