

Court of Addl. Sessions Judge Ist –cum –P.O. (Children Court), Gaya

Juvenile Trial No. 07/2022

19.09.2022          Bail petition dated 22.07.2022 filed on behalf of the petitioner/CICL “X” S/o Baijnath Prasad who is in custody since 11.12.2021 in Muffasil P.S. Case No. 479/2021 u/s 302 of I.P.C. has been pressed by his learned counsel.

Heard Ld. Counsel for the petitioner/CICL and Ld. Special P.P. for the State.

Prosecution case in brief is that informant Rekha Devi gave Fardbeyan stating that her Chachera son-in-law Himanshu Kumar drunk wine and came to his Sasural and quarreled with his wife and he returned to his house with his wife and child. Again her Chachera son-in-law Himanshu Kumar came and took away son of the informant Aniket Kumar. Informant has come to know that Himanshu Kumar with his associates has murdered her son by fire-arms.

The Ld. Counsel appearing on behalf of petitioner/CICL submitted that no regular and anticipatory bail of the petitioner has been filed in this court earlier and nor in the Hon’ble High Court, Patna. It is further submitted that the petitioner/CICL is innocent, has committed no offence and has been falsely implicated in this case. He has been declared juvenile on 14.02.2022. It is further submitted that the petitioner/CICL has no criminal antecedent. Lastly, he submitted that the petitioner/CICL is languishing in judicial custody since 11.12.2021, so he may be released on bail.

Per Contra the Ld. Special P.P. appearing on behalf of the State vehemently opposed the prayer for bail.

Heard both sides and perused the case record. From perusal of case record, it transpires that the petitioner is named in F.I.R. He is in custody since 11.12.2021. Age of the CICL is 16 years six months. Allegation against the petitioner/CICL is

that he alongwith other co-accused have committed murder of the son of the

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Contd.

19.09.2022

informant by shot fire. The offence was allegedly committed on the instigation of co-accused Himanshu Kumar. Social investigation report is available on the record. In social investigation report in para 26, petitioner/CICL is studying in Class – X. In social investigation report in para 43, reason of offence is negligency by the parents and effect of same age group on the petitioner/CICL. As per social investigation report, to obtain revenge, this incident was allegedly committed by the accused persons including the petitioner/CICL. The petitioner/CICL is allegedly in company of anti-social elements. The petitioner/CICL has maintained physical capacity to commit the alleged offence and he understands the consequences of the offence. If he will be released on bail, it is possibility that he will again come in contact of anti-social elements. Offence is heinous in nature. Charge-sheet against the petitioner/CICL has been filed.

Thus, in view of the facts and circumstances of the case as discussed above and role taken by him in committing the alleged offence, I am not inclined to enlarge the petitioner/CICL on bail as proviso – I, II of section 12 of J.J. Act applied to the case of CICL. Hence, the prayer for bail to the petitioner/CICL is hereby rejected.

**(Dictated)**

**Sd/-**

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