

**IN THE COURT OF ADDL. DISTRICT & SESS. JUDGE-I cum SPECIAL JUDGE,
KAIMUR AT BHABHUA**

IA No. 01/2022 A.C. Trial - 10 / 2021

BHAGWANPUR P. S. CASE NO. 190 / 2021

STATE Vs. SAURABH SINGH

07/01/22 Present Sri Niteshwar Pratap Singh, Ld. counsel on behalf of the petitioner and learned Spl. P. P. for the State.

ORDER

The present bail petition is filed on behalf of the accused namely, **Saurabh Singh @ Kavi Singh** who is in custody since 19.10.2021 in connection with Bhagwanpur P.S. Case No. 190 of 2021 filed U/ss. 341, 307, 504, 506, 302, 120(B) of IPC & Section 27 of the Arms Act. It is submitted on behalf of the petitioner that no other regular or anticipatory bail application has ever been filed or is pending either in this court or in any superior court and that the petitioner has no criminal antecedents. Both the assertions have been affirmed by the Ld. Spl.P.P.

The prosecution story, in brief, is that on the alleged date and time, while the informant and the deceased victim Vishnu Kumar Singh were returning after celebrating Durga Puja Festival and as soon as they reached near *Tribhudhani*, the petitioner along with two other co-accused and three unknown persons who were waiting for the victim, caught hold of him. It is alleged that while the petitioner along with co-accused Ravi Singh and three unknown persons held the victim, the co-accused Jwala Singh fired at him. As a result of which, the victim got severely injured and fell down. The petitioner was arrested from the spot with the help of co-villagers who were passing by the same road but the other accused managed to flee from the spot. The victim was taken to the hospital from where he was referred to Varanasi and during the course of his treatment, he succumbed to the injuries. It is alleged that the cause of the crime is a prior dispute between the accused and the victim and the accused threatened the victim of taking away his life. At the instance of the informant, the case got registered under Section 341, 307, 504, 506, 120(B) of IPC & Section 27 of the Arms Act against the petitioner, the two co-accused and three unknown persons. The FIR got amended on 22.10.2021 and Section 302 IPC was added to it after death of the victim as a result of the injuries sustained during the attack.

The Ld. Counsel on behalf of the petitioner has prayed for the grant of bail on

Contd.. the ground that the allegations levelled against the petitioner are false and
07/01/22 fabricated. Moreover, there is no direct or specific allegation against the
petitioner. The petitioner is a child of 16 years who has nothing to do with the
alleged crime. He has been found to be a juvenile in conflict with law by the Ld.
JJB in its order dated 16.11.2021. The case of the petitioner has been sent to this
court under Section 18(3) of the Juvenile Justice (Care and Protection of
Children) Act, 2015 for trial in accordance with law. The provisions of Juvenile
Justice Act are therefore, applicable to the case and no ground for rejection of
bail as mentioned in Section 12 of the Act is applicable to the facts and
circumstances of the present case. There is no recovery from the possession of
the petitioner and hence, the allegations under IPC or Arms Act are not made
out against the petitioner.

The learned Spl P. P. opposed the bail petition on the ground of nature and
gravity of the offence alleged.

In the interest of justice, the probation officer report was called for. The
perused of the report shows that the probation officer has reported the petitioner
to be a student who has passed his High school examination in the year 2021.
The majority of his friends are of the same age group and sex having no criminal
antecedents. He is reported to be having cordial relations with his family
members and is found to be having extra curricular interests as well. He is
reportedly having no criminal antecedents. It is recommended that the education
of the petitioner be not disturbed and the petitioner be provided with proper
moral and social environment.

Considering the entire material available on the record, submissions
advanced by the counsels and the report of the Probation Officer in the light of
facts and circumstances of the case, the court is of the view that the denial of the
bail to the petitioner would result in disrupting the education of the petitioner
which is neither in the interest of the petitioner nor would be in the interest of
justice. Moreover, there is no adverse finding reported against the petitioner in
the probation report. The court, therefore, finds it proper to enlarge the
petitioner on bail bond of Rs.10,000/- with two sureties of like amount each
subject to the condition that one of the bailors shall be the parents of the
petitioner who shall file an affidavit to the effect that he/she would take proper

Contd.. care of the petitioner and would ensure that the education of the petitioner is
07/01/22 not disturb and he does not get into a company of persons with criminal
mindsets and would further undertake to produce him in the court as when the
interest of justice would so require. On submission of bail bond, the office is
directed to verify and accept the same keeping in mind the norms given by the
Government and the Hon'ble Court.

(Dictated)

Sd./-

Spl. Judge

Kaimur at Bhabua

