

In the Court of 1st Addl. Sessions Judge cum-Special Judge (Children's Court), Sitamarhi

Bela P.S. case no. - 62/2021

19-01-2022

This bail petition filed on behalf of the petitioner (hereinafter referred as Child in Conflict With Law, C.C.L. 'Y'), who is in observation home, Muzaffarpur since 21.04.2021, after he was apprehended in connection with Bela P.S. case no.- 62/2021 registered u/ss 363, 302 of the I.P.C. has been put up for hearing today.

Heard Sri Ram Kalewar Rai, the learned counsel for the petitioner, Sri Ravi Shankar Kumar, learned counsel for the informant and the learned Special P.P. for the State through virtual mode.

The prosecution case, in brief is that Bela P.S. Case No. 62/2021 has been registered upon the written report of the informant Md. Kasim Ansari, submitted before the Station House Officer of Bela P.S., alleging therein that his grandson Md. Jisan Ansari aged about 6 years, went to general store on 11.04.2021 at 06.00 P.M. to fetch sugar and after keeping the sugar in the house, he again went out of his house and thereafter, he didn't return back. All his relatives search for him entire night but couldn't locate him. The boy was wearing navy blue jeans and white shirt and slipper at the time, he went missing and his height about 2 and ½ foot and he could tell his name of his father, grandfather and name of his village.

The learned counsel for the petitioner has submitted that the petitioner is non F.I.R. accused and he is innocent and has committed no offence and has been falsely implicated due to dirty village politics. He is in judicial custody since 21.04.2021. No other bail petition has been filed on behalf of the petitioner either before this court or before the Hon'ble High Court, Patna. In reality, the name of the petitioner has been brought in this case upon the instigation of some person on the basis of suspicion. The name of the petitioner has not cropped up in the entire F.I.R. neither any one has saw the alleged occurrence. The petitioner has no criminal antecedent. An affidavit sworn by Zahida Begam, mother of the petitioner has been filed and it has been stated therein that he has no criminal antecedent. Thus, he prays to release the petitioner on bail.

Learned Additional P.P. opposed the prayer for bail of the petitioner. It has been submitted that the name of the petitioner cropped up during investigation, (in para-32) of the case diary, when the informant submitted written application before the Station House Officer, Bela police station, alleging therein that he has received credible information that Bhola Ansari and petitioner 'Y' had killed his grandson on 11.04.2021 and put his body in corn field and have burnt it with acid.

From the perusal of photo copy of the case-diary, which is on record, it appears that in para- 4 the informant and the witnesses in para 6, 7

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19-01-2022

and 8 of the case-diary have supported the prosecution version. In para-21, inquest report of deceased Jishan Ansari is mentioned and blisters were seen upon his entire body and insect were found on his face. In para-32, the informant has submitted his written application before S.H.O., Bela Police Station and he has accused the petitioner 'Y' and one Bhola Ansari for killing his grandson and burning his body with acid and putting his body in corn field. Again in para-35, the informant in his re-statement and witnesses in para-36 and 37 has named the petitioner 'Y' and other co-accused as the assailants, who killed the informant's grandson. In para-55, the confessional statement of co-accused Dilshad Ansari is mentioned and he has confessed about his complicity in the alleged occurrence along with the petitioner 'Y'. In para-56, the confessional statement of the petitioner is mentioned and he has confessed about his complicity in the alleged occurrence along with Dilshad Ansari. The charge-sheet bearing number 108/2021 dated 30.06.2021 has been submitted against the petitioner and other co-accused u/s 302, 201/34 of I.P.C.


From perusal of Social Background Report (S.B.R.), of the petitioner, which is on record, it appears that he has the habit of smoking, gambling and watching films. It also appears that he has used the income for his dress, drinking liquor and smoking.

From perusal of the Social Investigation Report (S.I.R) of the petitioner, which is on record, it appears that the majority of the neighbours has made adverse comment against the petitioner. While inquiry about the petitioner from locals, they made adverse comment against him and they expressed their suspicion and they were of the opinion that the petitioner has killed the child by strangulating him for trivial dispute. It has also been reported that there is lack of discipline in his house and the petitioner is of volatile behavior and is of quarreling nature.

From the aforesaid facts and circumstances, and materials available on the record, it appears that atmosphere outside is not safe for the petitioner 'Y' and it is not in his interest to be released on bail as there is likelihood that if the petitioner 'Y' is released on bail, it would also expose him to moral, physical and psychological danger and would also defeat the ends of justice.

Under such facts and circumstances of the case as discussed above, the instant bail petition is hereby, rejected.

Dictated


1st Addl. Sessions Judge cum-
Special Judge (Children's
Court), Sitamarhi