

In the Court of Additional Sessions Judge-I –cum-Children’s Court,

Giridih

M. C. A. No.1731/2024 (Children Case No.13/2024)

CNR-JHGR01-006931-2024

1. Suraj Ray @ Suraj Kumar Ray, s/o Subhash Chandra Ray,
R/o village – Nayasankho, P. S. Deori, District - Giridih
2. Shivam Ray @ Shivam Kumar Ray, s/o Kishan Kumar Ray
R/o village – Bhikhodih, P. S. Jamua, District – Giridih.

.....Petitioners

-Versus-

State through Guddu Ray

.....Opposite Party.

29/11/2024 The bail petition dated 07/10/2024 vide M. C. A. No.1731/2024, filed on behalf of the above named petitioners who are in judicial custody since 02.04.2024, in connection with Jamua P. S. Case No.75/2024 registered for the offences u/ss 341/342/323/324/325/307/379 of I. P. C. added with Section 302 of I. P. C., is put up today for hearing. Copy of the same has duly been served to the Ld. A. P. P.

Both the petitioners are in custody since 02.04.2024.

Learned counsel appearing for the accused/petitioners has submitted that the petitioners have not committed any offence as alleged, and they are innocent and the informant has falsely implicated these petitioners due to ulterior motives. Admittedly, there is a land dispute between the parties. The petitioners have got no criminal antecedents and both of them are studious children. Further there is no chance of them being associated with any known criminals or to be exposed to moral, physical or psychological danger if they be released on bail which are only considerations for release of juvenile on bail as per Section 12 of the

Juvenile Justice (Care and Protection of Children) act, 2015. It is further submitted that the petitioners were arrested in this case on 02/04/2024 and forwarded and since then, they are lying in judicial custody. The petitioners undertake to abide by the orders and directions of this learned court for granting them bail. Hence, the prayer that the petitioners be enlarged on bail.

On the other hand, the Learned Additional P. P., appearing on behalf of the State, vehemently opposed the prayer for bail of the petitioners.

The prosecution's case, in brief, is that this case was instituted on the basis of written report of the informant Guddu Rai. As per the F. I. R., on 25/03/2024 at about 11:00 a. m., his father and grand-father were putting pillar in the *Khalihan*. In the meantime, Anand Rai came there and asked why they are putting pillar. Thereafter, there was an altercation and it ended. Subsequently, after sometime Anand Rai accompanied by his nephew Bablu Rai, Suraj Rai (petitioner), Sulekha Devi, Shivam Rai (petitioner), Mundrika Devi, Kishun Rai came with planning under conspiracy carrying iron rod, axe and assaulted the parents and grand-parents of the informant. The injured Prakash Rai received grievous injury on his head and became unconscious. Further his mother also received grievous injury over her head. Parents of the informant were referred to Ranchi where their condition were critical. It is further alleged that in course of assault, they also snatched golden chain and earrings of the mother of the informant. Subsequently, the injured Prakash Rai died in course of treatment. Hence, the present case has been registered against the accused persons.

Heard and perused the case record as well as other materials available on the record. From perusal of the same it transpires that the peti-

tioners were involved in the alleged offence and took active part for committing the murder of the deceased. They are named in the F. I. R..

It is settled principle of law with regard to consideration of bail of a child-in-conflict with law that the court has to see that whether the petitioners is likely to come in association with other known criminals if he be released on bail or his release will otherwise adversely affects the inquiry being conducted by the JJ Board. As per **Section 12 of Juvenile Justice(Care & Protection of Children) Act, bail of a child-in-conflict with law has to be considered irrespective of nature of the alleged offence. However exception of this Rule is that whether his release would bring him in association with other known criminals or would frustrate the end of justice.** In the Social Investigation report it is mentioned that they are students have secured very good marks in the examination. But there is lack of discipline and proper guidance of the parents. It has been reported that in observation home there may positive impact on the psyche of the petitioners leading to their reformation.

Since in this case although nature of offence is not going to be considered but the conduct of petitioners shows that they had committed the alleged occurrence and come with the family members under planning. There is enmity between both sides and they may repeat the same occurrence in society, if they be released on bail. So far as the Social Investigation report with regard to the petitioners is concerned, which has been filed by the Probation Officer, Giridih does not reveal the fact that the parents of the petitioners are properly guiding the petitioners.

Considering all these facts, nature and gravity of offence, I am not inclined to enlarge the petitioners on bail. Accordingly, the bail application of the petitioners named above, stands **rejected**.

(Dictated)

--Sd. M. C. Jha--
(Manoj Chandra Jha)
Addl. Sessions Judge-I
Giridih
29/11/2024