

(2021) 03 PAT CK 0193

Patna High Court

Case No: Criminal Appeal (Sj) No 1392 Of 2021

Ankit Patel @ Ankit Kumar Patel
@APPELLANT @Hash State Of
Bihar

APPELLANT

Vs

RESPONDENT

Date of Decision: March 22, 2021

Acts Referred:

- Juvenile Justice (Care And Protection Of Children) Act, 2015 - Section 12, 101(5)
- Indian Penal Code, 1860 - Section 34, 201, 302

Hon'ble Judges: Madhuresh Prasad, J

Bench: Single Bench

Advocate: Lokesh Kumar Singh

Final Decision: Allowed

Judgement

1. Heard learned counsel for the appellant and the learned counsel for the State.

2 The appellant has preferred the present Appeal under Section 101 (5) of Juvenile Justice (Care & Protection of Children) Act, 2015 (for brevity, the

Act) against the refusal of his prayer for regular bail vide order dated 01.12.2020 passed by Additional Sessions Judge I -cum- Special Judge (Children

Act), Gopalganj in a case registered under Sections 302, 201/34 of Indian Penal Code in connection with Barauli Police Station (for brevity, PS) Case

No 35 of 2020.

3 The allegation is that the victim has been found hanging within the school premises and her hands and arms were tied. The prosecution parties have

later on discovered the initials AP written in her exercise book and have, accordingly, implicated the instant appellant (Ankit Patel).

4 It is submitted by the learned counsel for the appellant that the appellant's implication, based on the initials found in the victim's exercise

book, is clearly unsustainable and against the law. The appellant, being juvenile, has been implicated on the basis of his own confessional statement.

The investigation reveals that one suicide note has also been recovered. The appellant was extended leave after his arrest for the period 28.03.2020 to

13.10.2020 when he has not misused the privilege of leave. Apart from this period, he has been in custody since 12.02.2020. The submission is that the

report of the Probationary Officer/Social Investigation Report also does not bring on record any reason as contemplated under the proviso to Section

12 of the Act, justifying rejection of the appellant's prayer for bail. The order rejecting the appellant's prayer for bail is clearly unsustainable.

5 In my opinion, a case for grant of regular bail is made out. The impugned order dated 01.12.2020 requires interference by this Court, which is, accordingly, set aside.

6 Learned counsel for the State has opposed the prayer for bail. It is submitted that the appellant has confessed his guilt before the police and the

initial AP tallies with his name Ankit Patel and since such initials have been found in the exercise note book of the victim and it has come in the

investigation that they were on friendly terms, there are sufficient materials to implicate the appellant in the instant case.

7 Having considered the rival submissions, this Court would observe that the conditions contemplated under the proviso to Section 12 of the Act do not exist so as to justify the appellant's any further detention.

8 Accordingly, this appeal is allowed. The impugned order dated 01.12.2020 passed by Additional Sessions Judge I -cum- Special Judge (Children

Act), Gopalganj in connection with Barauli PS Case No 35 of 2020 is set aside.

9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like

amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge (Children Act), Gopalganj in Barauli PS Case No 35 of 2020

subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant.

The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.