

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.1435 of 2019**

Arising Out of PS. Case No.-205 Year-2019 Thana- BODHGAYA District- Gaya

VINAY KUMAR @ NANHKU @ VINAY SINGH @ BINAY KUMAR @
BINAY SINGH Son of Ram Pravesh Singh Through his Guardian father
Namely Ram Pravesh Singh Son of Ishwari Singh, Both Resident of Village -
Rajbar Tole, P.S.- Bodh Gaya, District - Gaya - 824231.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashutosh Singh, Adv.
For the Respondent/s	:	Mr.Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Manish Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 24-08-2020 Heard learned counsel for the petitioner, learned
counsel representing the informant and Mr. Kumar Veerendra
Narayan, learned APP for the State.

The petitioner in the present case is a juvenile aged
about 14 years 2 months on the alleged date of occurrence i.e.
on 13.05.2019. He is seeking setting aside of the order dated
23.09.2019 passed by learned Special Judge (Children), Gaya in
Criminal Appeal (Juvenile) No. 48 of 2019 by which he has
refused to interfere with the order dated 25.06.2019 passed by
learned Juvenile Justice Board, Gaya in POCSO Case No. 45 of
2019 arising out of Bodhgaya P.S. Case No. 205 of 2019
registered under Section 376 IPC and Section 6 of the POCSO



Act.

Learned counsel for the petitioner submits that as per the First Information Report this petitioner had allured the grand-daughter of the informant in the night hours on 13.05.2019 while they were playing together and took her to a hiding place where he committed rape on her. It is submitted by learned counsel that the alleged occurrence was reported to the informant at about 09:30 P.M. and the medical examination of the victim girl was conducted on the very next day i.e. on 14th in forenoon but the medical examination report clearly says that no spermatozoa was found and there was no recent sign of sexual intercourse.

Learned counsel further submits that the Juvenile Justice Board had adjudged the petitioner a juvenile aged about 14 years 2 months vide order dated 11.06.2019. It is lastly submitted that the petitioner is in the observation home for more than a year and he being a student of class 10th if not released on bail at this stage, he will lose his education and it would not be possible for him to come back in the main stream of the society.

Learned counsel representing the informant has opposed the prayer for release of the petitioner from the observation home as according to him the social investigation



report has found that the petitioner has got peer group influence and his parents are unable to take care of him.

Having regard to the facts and circumstances of the case and upon noticing that the petitioner has been adjudged juvenile aged about 14 years 2 months only on the alleged date of occurrence, the social investigation report shows the family relationship being cordial amongst each other though the living condition of the family is poor but other characteristics and personality traits of the petitioner has been found to be normal and at the time of alleged occurrence he was studying in a Government school as also that the medical report does not suggest any recent sign of sexual intercourse, the petitioner is in observation home for more than a year, therefore considering the spirit of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 which prefers reunion of a juvenile with the family rather than keeping him in an institutional home, also considering that the parents of the petitioner are ready to give undertaking that they will take care of the petitioner, his study and will not allow him to fall in bad company, this Court sets aside the impugned order and directs release of the petitioner on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the



satisfaction of learned Juvenile Justice Board, Gaya in connection with POCSO Case No.45/2019 arising out of Bodh-Gaya P.S. Case No.205/2019.

The parents of the petitioner shall give an undertaking that they will take care of the education of the petitioner and shall not allow him to fall in bad company and in case any adverse circumstance appears they will report it to Juvenile Justice Board. The Child Probation Officer shall also keep on visiting the residence of the petitioner and will submit a periodical statement in this regard to Juvenile Justice Board, Gaya.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

