

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.190 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- NARHATT District- Nawada

CHANDAN KUMAR, aged 13 years (M), Son of Ashok Chauhan, Resident  
of Village - Bodhi Bigha, P.S.- Sitamarhi (Narhat), District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Petitioner : Mr. Madhusudan Kumar, Advocate.  
For the Respondent : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      31-08-2021              Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the office, within a period  
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned  
counsel for the State through virtual mode.

This Criminal Revision has been preferred against the  
order dated 05.02.2021, passed by learned Ist  
Additional District and Sessions Judge-cum-Special Judge,  
Nawada, in Criminal Appeal (Juvenile) Case No. 21 of 2020,  
arising out of Narhat P.S. Case No. 93 of 2020, (POCSO Case  
No. 23/20), whereby and whereunder learned Ist Additional  
District and Sessions Judge-cum-Special Judge, Nawada, has  
rejected the prayer for bail of the petitioner in connection with  
Narhat P.S. Case No. 93 of 2020 (POCSO Case No. 23/20), for  
the offence registered under Sections 376(iii), 363, 420, 506/34



of the I.P.C. and Section 4 of POCSO Act.

The prosecution story, in brief, is that the petitioner has taken joint photograph of minor daughter of the informant, namely, Gita Kumari aged 15 years, and on pretext of false promise of marriage, he established physical relationship with her. It is further alleged that the petitioner, his father Ashok Chauhan and his mother after alluring, took her in their house. The informant started searching his daughter and in course of that, he came to know that Chandan Kumar Chauhan (petitioner) and other persons forcibly kept her in his house. When the informant and others reached at the house of the petitioner, then accused persons threatened them and out of fear, the informant returned back to his house and informed at the police station.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 04.11.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner.

The report of the Probation Officer is that the mental condition of the petitioner was found normal. The petitioner



studied up to VI Standard. In the social investigation report, it is also suggested that the benefit of Juvenile Justice can be given to the petitioner. Further the report of the Probation Officer does not reveal that there is material to substantiate that the petitioner lacks proper parental care nor there is any conclusive finding by the Probation Officer that in the event of grant of bail the petitioner is likely to go into association of known criminals.

The law requires that reasonable grounds should be there for believing that in the event of grant of bail the petitioner would go into association of any 'known criminal' or exposed to moral, physical and psychological danger or the release of the person would defeat the ends of justice. There is no reference of any known criminal nor there is any other substantive material for the conclusion as recorded by the court below.

Hence, the impugned order suffers from failure to exercise jurisdiction vested in law, is result of error apparent on the face of the record and non-consideration of provisions of law. Accordingly, this Criminal Revision application is allowed and the order dated 05.02.2021, passed by learned Ist Additional District and Sessions Judge-cum-Special Judge, Nawada, in Criminal Appeal (Juvenile) Case No. 21 of 2020, arising out of Narhat P.S. Case No. 93 of 2020, (POCSO Case



No. 23/20), is set aside.

Let the petitioner, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of either of his parents on execution of surety bond of Rs. 5,000/- (Rupees Five Thousand Only) to the satisfaction of learned Ist Additional District and Sessions Judge-cum-Special Judge, Nawada, in Criminal Appeal (Juvenile) Case No. 21 of 2020, arising out of Narhat P.S. Case No. 93 of 2020, (POCSO Case No. 23/20), with the condition that the petitioner will be produced as and when required by the Juvenile Justice Board for co-operation of his enquiry.

**(Sudhir Singh, J)**

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