

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.293 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

GORELAL @ SUDHIR KUMAR Minor Son of Sanoj Goswami @ Sanoj
Giri (D.O.B. 03-06-2004), (Male), His father and natural guardian Sanoj
Goswami @ Sanoj Giri, Aged about 41 years (Male), S/o Niro Giri both
Resident of Village - Karor, (Khanjhapur), P.S.- Cheriya Bariyarpur, District -
Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Respondent/s : Mr. Umesh Lal Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 29-09-2021 Heard Mr. Binod Kumar, learned counsel for the

petitioner and Mr. Umesh Lal Verma, learned APP for the State.

Petitioner in the present case is a juvenile who is
seeking to set aside the impugned order dated 7.1.2021 passed
by the learned Additional Sessions Judge-I-cum-P.O in
connection with Cr. Appeal No. 76 of 2020 whereby and
whereunder prayer for refusing bail of the appellant vide order
dated 4.11.2020 passed by learned Principal Magistrate,
Juvenile Justice Board, Begusarai passed in J.J.B. Case No. 131
of 2020 arising out of Cheriya Bariyarpur P.S. Case No. 79 of
2020 for offences punishable under Section 376(A)(B) of the
Indian Penal Code and Section 4 of the POCSO Act was



affirmed.

Learned counsel for the petitioner submits that although the allegations against the petitioner is heinous in nature, considering that petitioner is a juvenile the gravity of offence may not be a reason not to release him on bail. He is in observation home since 26.5.2020. It is further submitted that the petitioner has been found aged about 15 years 11 months and 22 days and his father is ready to give an undertaking, if released on bail he will not allow the petitioner to fall in any bad company.

Mr. Umesh Lal Verma, learned Addl.P.P. for the State has submitted that this is a fit case in which this Court may apply the principles of *parens patriae* not to release the petitioner on bail at this stage. Learned APP has taken this Court not only through the detail consideration given by learned Additional Sessions Judge-I-cum-Presiding Officer, Children Court, Begusarai in the impugned order but has also pointed out the observation of the Probation Officer in the social investigation report. It is pointed out that father of the petitioner is handicapped and the financial condition of the family of the petitioner is below the average standard of living, the Probation Officer has also found that people in the society are not happy



with the conduct of the juvenile and his parents are not able to keep him disciplined. Learned APP submits that interest of the petitioner would be served by keeping him in the observation home for some more time because he will not only get a better educational opportunity but there is every probability that finally with an rehabilitation scheme of petitioner is framed in terms of Section 18 of the Act of 2015, he may perhaps get a settlement in a better way in his life.

Having regard to the facts and circumstance particularly the social investigation report and the observations of the Probation Officer, this Court endorses the view expressed by learned Additional Sessions Judge-I in the impugned order. It is in the interest of the petitioner that he be kept in the observation home for some more time. The prayer for interference with the impugned order is thus refused.

The application stands disposed of in the aforesaid observations.

(Rajeev Ranjan Prasad, J)

SONALI/-

U		T	
---	--	---	--

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'.

