

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.385 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- CHANDAUTI District- Gaya

AMAN KUMAR SINGH Son of Sanjay Singh @ Sanjay Kumar Singh
Resident of Village - Barki Delha, P.S.- Delha, Distt.- Gaya. under the
Guardianship of his father namely Sanjay Singh @ Sanjay kumar Singh, Son
of Badri Singh Resident of Village - Barki Delha, P.S.- Delha, Distt.- Gaya, At
Present resident of Mohalla - Dhaniya Bagicha, P.S.- Delha, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
Mr.Manish Kumar No.2
For the Respondent/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-08-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, office will place the matter before the Bench.

This is an application u/s 102 of the Juvenile Justice (Care
and Protection of Children) Act, 2015, challenging the order of
lower appellate court dated 22.02.2021 passed in Cr. Appeal
(Juvenile) No.09/2021 (C.I.S.) as well as order dated
18.01.2021, passed by the Juvenile Justice Board, Gaya arising
out of Chandauti P.S. Case No.220 of 2020 (G.R. No.-5695 of
2020), registered under sections 395, 354 (A) and 354 (B) of the



Indian Penal Code, whereby the prayer for bail of the petitioner was rejected.

The petitioner was declared juvenile by the Juvenile Justice Board and the order got finality.

The prosecution case, in short, is that on 16.11.2020, the informant along with her friend Viplaw Prakash went on a long drive and reached at village Gajadhar Bigha. When they were returning 5-6 boys stopped them and started misbehaving with her and snatched her mobile and cash. It is further alleged that they tried to strangle her friend, thereafter they any how managed to escape from there.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to oblique reason and local politics. He is not named in the FIR rather his name has transpired in this case on the basis of confessional statement made by the co-accused before the police. On perusal of the F.I.R. a very vague allegation has been made that while the informant was moving with her friend 5-6 persons misbehaved with her, snatched her mobile and cash and also tried to strangle her friend. On the contrary, in her statement recorded under section 164 Cr.P.C., on 17.11.2020, she has supported the



prosecution case. Later on, in her second statement recorded u/s 164 Cr.P.C. on 19.11.2020, she has developed her case and said that five boys including the petitioner, committed rape upon her and also threatened to viral the video. It is further submitted that the medical report does not support the allegation of sexual activity by multiple person. There is no direct evidence against the petitioner. The petitioner has no criminal antecedent and is under observation home since 23.11.2020. The seriousness of the offence is no consideration for refusal of bail as required u/s 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Moreover, without any material on record to substantiate that in the event of release, petitioner would go into association with unsocial elements and would be exposed to moral, physical and psychological danger, the learned Courts below have refused the prayer on this ground.

Learned counsel for the State has opposed the prayer for bail by submitting that the bail application of the petitioner has been rejected by the Juvenile Court on the ground that the victim has identified the petitioner in Test Identification Parade and as per the medical report, in the opinion of doctor (i) Clinically signs of sexual intercourse/penetration is present. From the social investigation report, it transpires that the



guardian of the petitioner are not paying proper care and attention over him and he is under influence of his friend of his age group and all the accused of this case are friend and well known to each other.

Considering the above discussions, on perusal of the social investigation report, the statement of the victim recorded under section 164 Cr.P.C., T.I. Parade and medical report, it is apparent that the petitioner is in association of bad company and section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 says that:

“12. When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or



psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.”

Considering the same, I am not inclined to grant bail to the petitioner. Accordingly, the instant Criminal Revision application is hereby dismissed.

However, the learned Spl. Court (Children) is directed to conclude the trial of the petitioner as expeditiously as possible, preferably within a period of six months from today.

(Anjani Kumar Sharan, J)

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