

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.342 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- AMAS District- Gaya

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XX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Respondent/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-08-2021 Heard learned counsel for the parties through video conferencing.

Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 ('the Act' in short). He is being referred to in the cause title as XX.

Registry while uploading the order on the website shall also ensure that the cause title is reflected in a similar manner.

The instant application has been preferred by the petitioner against the order dated 15.3.2021 by the learned Special Judge, Children Court, Gaya whereby the prayer for bail



of the petitioner in a case registered under sections 366A and 34 of the Indian Penal Code has been rejected.

As per allegations in the F.I.R., on finding his 15 year old daughter to be missing, it is stated by the informant that he suspects two accused including the petitioner herein who were seen moving around his house.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. By order dated 1.2.2021, the Juvenile Justice Board, Gaya found the petitioner to be a juvenile on the date of occurrence.

On merits, it is submitted that only a suspicion is raised against the petitioner in the F.I.R. So far as the statement under section 164 Cr.P.C. is concerned, inspite of the same being a tutored statement, no offence of establishing physical relation is alleged against this petitioner who is in custody since 23.1.2021 and has no criminal antecedent. It is submitted that the father of the petitioner who has sworn affidavit is ready to take charge of the petitioner.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the



petitioner, the learned Juvenile Justice Board having found the petitioner to be a juvenile, the decision of the Division Bench of this Court in the case of Lalu Kumar and others vs. State of Bihar and others [2019(4) PLJR 833] together with the petitioner having remained in detention since 23.1.2021, the Court is inclined to allow the instant application. The impugned judgment dated 15.3.2021 passed by the learned Special Judge, Children Court, Gaya in Cr. Appeal (Juvenile) no.21 of 2021 as also the order dated 23.2.2021 passed by the learned Juvenile Justice Court, Gaya in POCSO Case no.95 of 2020 (arising out of Amas P.S. Case no.73 of 2020) are both set aside.

The petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gaya in connection with POCSO Case no.95 of 2020 (arising out of Amas P.S. Case no.73 of 2020) .

The revision application stands allowed.

(Partha Sarthy, J)

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