

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 346 of 2021

Arising Out of PS. Case No.-12 Year-2020 Thana- MAHILA PS District- Aurangabad

MRITUNJAY KUMAR SON OF DEV NARAYAN SINGH Resident of
Village - Chauram, P.S.- Doudnagar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

For the Petitioner/s	:	Mr Bachan Jee Ojha, Advocate
For the Informant	:	Mr Madhu Prasun, Advocate
For the State	:	Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 01-11-2021

Heard learned counsel for the petitioner; learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar and the learned counsel for the informant.

The informant has alleged that two named accused persons, including the petitioner, have raped his sister and after assault, abandoned her.

Learned counsel for the petitioner submits that the victim is in fact a major girl and it is a case of false implication. Submission is that the implication is based on extraneous considerations and the petitioner, being a juvenile in conflict with law, his prayer for bail is required to be considered within the parameters of proviso to Section 12 of the Child (Care and Protection) Act (for brevity, *the Act*). He submits that the Act mandates release of juvenile, in conflict with law, save and



except when this Court finds otherwise, as contemplated under the proviso to Section 12 of the Act.

Social Investigation Report has been requisitioned. The same shows that the child is desirous of earning his livelihood by resorting to labour work. The report recommends that he be released in the care of his parents so that there may be opportunity for the child to come back in the mainstream. Neither of the three exceptions contemplated under the proviso to Section 12 of the Act based on which bail can be rejected has emerged in the Social Investigation Report. Petitioner is also stated to be in custody since 06.07.2021.

Prayer was made on behalf of the petitioner for his release before the Court of Juvenile Justice Board (for brevity, *JJB*), Aurangabad in GR No 518 of 2020, JJB No 624 of 2020. However, the prayer was rejected under order dated 04.01.2021. Against the same, the petitioner approached the Additional Sessions Judge I (Children Court), Aurangabad by filing Criminal Appeal No 7 of 2021. The same has also been rejected under order dated 04.03.2021. Accordingly, the instant application has been filed seeking the petitioner's release on bail.

The fact of the petitioner's juvenility stands



established. The requirement of Section 12 of the Act is quite clear. The order rejecting the petitioner's prayer for release is not based on any valid consideration regarding existence of exceptional circumstances for rejection of bail of a juvenile as provided under Section 12 of the Act.

Learned APP and the learned counsel for the informant have opposed the prayer for bail. Learned counsel for the informant further submits that the informant is being intimidated by the instant petitioner from behind the bars. This Court has, therefore, put a query whether any information has been lodged in this regard to which the answer is in the negative. This Court, however, would observe that if there is any such occasion, the informant would be at liberty to avail his legal remedies.

In view of the aforesaid circumstances, this Court is inclined to accept the submissions made on behalf of the petitioner. The petitioner's prayer for release on bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of JJB, Aurangabad in Aurangabad (Mahila) Police Station Case No 12 of 2020.



The Juvenile Justice Board, while releasing the petitioner, will take an undertaking from his father regarding petitioner's proper guidance and safe keeping.

(Madhuresh Prasad, J)

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