

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3107 of 2021**

Arising Out of PS. Case No.-212 Year-2020 Thana- CHENARI District- Rohtas

XX

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Syed Ashfaque Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 21-10-2021 Heard learned counsel for the petitioner and
learned APP for the State.

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

This application has been preferred under the Juvenile Justice (Care & Protection of Children) Act, 2015 against the order dated 21.6.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Judge, Children Court, Rohtas at Sasaram whereby the prayer for bail of the petitioner in connection with Chenari P.S. case no.212 of 2020 registered under section 376 of the Indian Penal Code, sections



3(2)(v) of the SC and ST (Prevention of Atrocities) Act and section 67(A) of the I.T.Act, was rejected.

As per the prosecution case, it is stated by the informant that the petitioner established contact with her on telephone and thereafter on her going to attend marriage, he established physical relation with her and also made a video of the same. Thereafter he started to torture her.

It is submitted by learned counsel for the petitioner that the allegations as levelled against the petitioner are false and concocted. By order dated 19.12.2019 passed by the Juvenile Justice Board, Rohtas, the petitioner was declared to be a juvenile in conflict with law. He is in juvenile home since 12.11.2020. On merits it is stated that from perusal of the contents of the F.I.R. itself it would transpire that it was a case of lover affair between the parties. So far as the allegations against the petitioner under section 376 of the Indian Penal Code, sections 3(2)(v) of the SC and ST (Prevention of Atrocities) Act and section 67(A) of the I.T. Act are concerned, the same are false and categorically denied. With respect to the order of the learned Court below it is submitted that the learned trial Court has committed an error in going on the seriousness of the allegations which is in teeth



of the judgment of this Court in the case of Lalu Kumar & Ors. versus State of Bihar & Ors. [2019(4) PLJR 833], in paragraph 87 of which it has been held that the seriousness of the offence alleged cannot be made a ground for rejecting bail in a case of a child in conflict with law. Further nothing has been brought on record to show that the release of the petitioner would expose him to moral, physical or psychological danger or as to how in the event of grant of bail the ends of justice would be defeated. It is further submitted that so far as the antecedent of the petitioner is concerned, the petitioner in the earlier case has been enlarged on bail by the learned Court below itself. The father of the petitioner is ready to take him under his guardianship, on his release.

The prayer for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner having been declared to be a juvenile by the above mentioned order and being in juvenile home since 12.11.2020, the Court is inclined to allow the instant application. The application is allowed and the order impugned dated 21.6.2021 passed by the learned 1st Additional District and Sessions Judge-cum-



Judge, Children Court, Rohtas at Sasaram, is set aside.

It is directed that on the undertaking given by his father, the petitioner shall be enlarged on bail in connection with Chenari P.S. case no.212 of 2020 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, Rohtas at Sasaram.

(Partha Sarthy, J)

Bibhash

U			
---	--	--	--

