

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.300 of 2021

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

XXX, Son of Kapildev Prasad, Resident of Village - Gajadhar Bigha, P.S. -
Chandauti, District - Gaya through guardian namely Savitri Devi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 20-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking setting aside of
the order dated 22.02.2021 passed by the learned Special Judge
(Children Court), Gaya in Cr.Appeal (Juvenile) No.13/2021 by
which the learned Children Court has refused to enlarge the
petitioner on bail.

Learned counsel for the petitioner submits that as per
the prosecution story, when the informant had gone on a long drive
with her friend Viplav Prakash they got deviated from there way
and reached village Gajadhar Bigha where 5-6 unknown persons
stopped their bike. It is alleged that they had been teasing her and
snatched her *Dupatta* and they also indulged in indecent acts. The
informant alleged that being afraid of them she and her friend had
handed over the mobile and money to those persons. It is at this



stage claimed that they were talking with each other and were calling the name Pappu and Navin. The informant and her friend somehow managed to flee away from the place of occurrence.

Learned counsel for the petitioner submits that this petitioner has been adjudged juvenile being his date of birth as 02.10.2003. On the alleged date of occurrence, he was about 17 years and 1 month old. Learned counsel submits that there is a general and omnibus kind of allegation against 5-6 unknown persons. This petitioner has remained in the observation home since 19.11.2020, there is no eye witness to the occurrence and at this stage the release of the petitioner would only facilitate his connection with the main stream of the society.

Learned counsel further submits that from the impugned order itself it will appear that the informant has made statement under Section 164 Cr.P.C. on 17.11.2020 in which she had supported the prosecution case but later on she changed the prosecution version in her second statement under Section 164 Cr.P.C. recorded on 19.11.2020 and this casts a grave doubt over the veracity of the prosecution case.

Learned APP for the State has though opposed the prayer for bail of the petitioner, but considering that the petitioner is a juvenile and has remained in the observation home for over one and half year as also that his mother is ready to furnish an



undertaking that if released on bail she would not allow the petitioner to fall in the bad company and in no case the petitioner shall approach the victim girl or her friend and family during the pendency of the case, this Court sets aside the impugned order and directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Gaya in connection with Chandauti P.S. Case No.220/2020. One of the sureties should be the mother of the petitioner and she will also furnish an undertaking that if released on bail she would not allow the petitioner to fall in the bad company.

The Probation Officer shall keep vigil over the conduct of the petitioner and if he is found getting involved in any unlawful act the same will be reported to the nearest police station.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

