

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.236 of 2022

Arising Out of PS. Case No.-534 Year-2020 Thana- BARACHATTI District- Gaya

XXX S/o Vasudeo Yadav @ Nank Yadav Resident of Village- Jhanakpur,
Police Station- Mohanpur, District- Gaya under the guardianship of his father
namely vasudeo Yadav @ Nank Yadav, Resident of Village- Jhanakpur, P.S.-
Mohanpur, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-08-2022 Heard learned counsel for the petitioner and Mr.
Binay Krishna, learned Special P.P. for the State.

Petitioner, in the present case, is seeking setting aside
of the order dated 22.01.2022 passed by learned Special Judge
(Children Court), Gaya in Criminal Appeal (Juvenile) No. 03 of
2022 arising out of Barachatti P.S. Case No. 534 of 2020
registered for the offence under Section 376(D), 506/34 of the
Indian Penal Code and Section 6 of the POCSO Act and Section
3(i)(r)(w), 3(2)(v) of the SC/ST Act. Cognizance has been taken
under Section 376(D), 201 of the I.P.C. and Section 6/23 of the
POCSO Act, Section 66E, 67B of the I.T. Act and Section 3(i)(r)
(w), 3(2)(v) of the SC/ST Act, and further setting aside of the
order dated 17.12.2021 passed by learned Juvenile Justice
Board, Gaya in Barachatti P.S. Case No. 534/2020 (POCSO 97



of 2020, Misc. No. 254/2021) whereby and whereunder the Board has rejected the prayer for bail of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile, therefore irrespective of the nature of the offence alleged he deserves privilege of bail. He has otherwise no criminal antecedent.

On the other hand, Mr. Binay Krishna, learned Special P.P. for the State submits that in this case the victim girl has deposed that three persons including the child in conflict with law has committed rape upon her when she was coming home after attending the call of nature. They click her photographs during the occurrence and threatened her to make it viral on the social networking sites. It is submitted that as per the present report of the learned court below the case is still at the stage of Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the “Act of 2015”). The petitioner has been adjudged more than 16 years of age and the allegation against him is that of commission of heinous offence therefore the court is considering that it needs to conduct his trial as an adult.

It is submitted that the release of the petitioner at this stage is likely to cause not only psychological danger to the



petitioner but the same is also likely to cause embarrassment to the victim girl who is yet to depose in course of trial. It is submitted that for the present the prayer for bail of the petitioner be refused.

Having regard to the submissions noted hereinabove, considering that the allegation is that of commission of gang rape and the victim is yet to be examined and at this stage release of the petitioner on bail is likely to expose him to danger of the society and is also likely to cause embarrassment to the victim girl, this Court is not inclined to interfere with the impugned judgment for the present.

Let the court below pass an appropriate order under Section 19 of the Act of 2015 within two months from the date of communication of this order and all endeavours be made to conclude the trial as early as possible preferably within a period of six months thereafter. If the trial still remains unconcluded for a period of nine months from today, the petitioner will be at liberty to renew his prayer for bail.

This Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

