

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.333 of 2021

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

XXX Under the Guardianship of His Father Namely Jitendra Yadav, Son of Sonu Yadav, Resident of Village - Gajadhar Bigha, P.S.- Chandauti, Dist.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr.Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 20-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.Jagdhar Prasad, 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 arising out of Chandauti P.S. Case No. 220 of 2020 registered for the offences under Section 395, 354A and 354(B) of the Indian Penal Code 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 16.06.2005. On the alleged date of occurrence, he was aged about 15 years and 05 months 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 father is ready to furnish an undertaking that if released on bail he 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 father of the petitioner and he will also furnish an undertaking that if released on bail he would not allow the petitioner to fall in the bad



company.

The Probation Officer, Gaya 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)

vats/-

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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'.

