

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.346 of 2022

Arising Out of PS. Case No.-195 Year-2018 Thana- KONCH District- Gaya

Hirday Paswan Son of Sri Kamal Paswan Resident of Village - Kamaldah,
P.S. Paraiya, District – Gaya. Petitioner/s

Versus

1. The State Of Bihar
2. Gopal Sao S/o Nagina Sao Village - Vishwanathpur, P.S.- Atri, District -
Gaya. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nilanjan Chatterjee, Advocate
For the O.P. No.1	:	Mr.Md. Fahimuddin, APP
For the O.P.No.2	:	Ms. Roona, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 11-10-2022 Heard learned counsel for the petitioner, learned counsel
for the informant as also learned APP for the State.

Petitioner in the present case is seeking setting aside of the order dated 13.11.2019 passed by the learned Special Judge (Children Court), Gaya in Juvenile Trial No.05 of 2019 rejecting the prayer of the petitioner to enlarge him on bail in Konch P.S. Case No.195/2018 (Juvenile Trial No.05/2019), pending before the Special Judge (Children Court) at Gaya.

Learned counsel for the petitioner submits that the FIR has been lodged against unknown persons alleging that they had committed rape upon the wife and daughter of the informant. It is submitted that the petitioner was made accused on the basis of the confessional statement of the co-accused and he was taken on remand on 05.07.2018 whereafter he was sent to judicial custody



on 08.07.2018. Later on he has been adjudged juvenile aged about 17 years 3 months on the alleged date of occurrence.

Learned counsel submits that the petitioner has remained in protective custody for more than four years and though he is being tried as an adult but the trial has yet not concluded. In the meantime, several other accused have been granted bail.

On the other hand, learned counsel for the informant and the State submits that while it is true that the petitioner was in protective custody for more than four years but at this stage when 20 witnesses have already been examined in course of trial and the trial itself is likely to be concluded very soon, it would not be desirable to release the petitioner on bail particularly considering the gravity of the offence and the pendency of two other cases against him.

Learned counsel further submits that the social investigation report does not speak well about the conduct of the petitioner. It has come that the neighbours and the teachers of the school have stated that he does not maintain good behaviour and he is also in bad company. They have stated that if he comes out of the observation home there is every possibility that he would fall in the bad company. The Probation Officer has recorded about unlawful behaviour of the father of the petitioner.



Having regard to the gravity of the offence alleged and the social investigation report particularly in respect of the petitioner and then that 20 witnesses have already been examined in course of trial, this Court is not inclined to interfere with the impugned order at this stage.

This application is dismissed.

The learned trial court is directed to proceed with the trial on day to day basis, keeping the records on shorter dates and all endeavours be made to conclude the trial within a period of six months from the date of communication of this order. If the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

(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'.

