

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.499 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- PARAIYA District- Gaya

XXX S/O Kishor Chauhan Under Guardianship Of His Father Kishor Chauhan Aged About 44 Years, Male, S/O Ramkishin Chauhan, R/O Village- Manjhor, P.S-Paraiya, District-Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Shanti Devi W/o Raju Chauhan Resident of Village- Manjhor, P.S.- Paraiya, District- Gaya.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr.Vinod Kumar, Advocate
For the State	:	Mr.Ram Naresh Ray, APP
For the Informant	:	Mr. Raju Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 24-11-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside of the judgment and order dated 14.06.2021 passed by learned Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No. 27/2021 (C.I.S.) as well as order dated 18.03.2021 passed by learned A.C.J.M.-cum-Principal Magistrate, Juvenile Justice Board, Gaya in Misc. Case No. 176/2020, POCSO 78/2020 whereby the prayer for bail of the appellant was rejected in connection with Paraiya P.S. Case No. 166/2020 registered for the offences punishable under Section 376 of the Indian Penal Code and Section 8/12 of the POCSO



Act.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile aged about 14 years 3 months and 10 days on the date of the alleged occurrence. It is submitted that the father of the petitioner is ready to stand as surety and furnish an undertaking if the petitioner is released on bail.

On the other hand, Mr. Raju Kumar Singh, learned counsel for the informant and Mr. Ram Naresh Ray, learned A.P.P. for the State jointly opposed this application. It is stated that in this case the allegation against the petitioner is that of committing rape with the daughter of the informant who was aged about 4 years. The victim child has made statement under Section 164 Cr.P.C. It is stated that even though the petitioner is a juvenile and is below 16 years of age as per the certificate made available by the petitioner, it has been reported at this stage that the date of birth of the petitioner is 28.03.2006. Learned counsel for the State has pointed out that in one of the documents the age of the petitioner has come as 28.03.2005 but from both the date of birth, he was minor. Still, it is submitted that the petitioner should not be released on bail at this stage because the matter relates to commission of rape on a four years



old girl and there would be tension in the society over commission of such crimes and the life of the petitioner would be in danger.

Having regard to the facts and circumstances of the case, this Court is of the considered opinion that at this stage the best interest of the petitioner lies in keeping him with the observation home only and to allow him to undergo the reformation process. This Court agrees with the submission of learned A.P.P. for the State that if released on bail the life of the petitioner may be in danger.

This Revision Application would, therefore, fail. It is dismissed 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'.

