

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.741 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

XXX, S/o Mahendra Chaudhary R/o village- Kharat (Kabirpur), P.S.- Muffasil, District- Nawada, under guardianship of Maternal grandfather Lallu Chaudhary @ Lalu Chaudhary, gender male, aged about 70 years, S/o Late Babuchand Chaudhary, R/o Takhttrauza, Puraini, P.S.- Griyak, District- Nalanda, PIN- 803109

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr.Anil Kumar, Advocate                |
| For the Respondent/s | : | Mr.Akhileshwar Dayal, A.P.P.           |
| For the Informant    | : | Mr. Rabi Bhushan Prasad No. 1-Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      29-06-2022                      Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within three weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

This revision application is directed against the order dated 28.09.2021 passed by learned 1st Additional District and Sessions Judge, Nawada in Cr. Appeal (Juvenile) Case No. 30 of 2021 whereby and whereunder the order dated 03.08.2021 rejecting bail of the petitioner by learned Juvenile Justice Board, Nawada in Muffasil P.S. Case No. 71 of 2021 registered for the offences punishable under Section 376(D) of the Indian Penal



Code has been affirmed.

Learned counsel for the petitioner submits that the petitioner and the co-accused are alleged to have behaved indecently with the informant causing injury in her private part.

Learned counsel submits that the petitioner has been declared juvenile by the Juvenile Justice Board, Nawada aged about 14 years 10 months 04 days on the alleged date of occurrence and he has remained in the observation home since 09.03.2021.

Learned APP for the State as also learned counsel for the informant have opposed the prayer for bail of the petitioner. It is submitted that the medical examination report of the victim lady supports the allegation and in case the petitioner is released on bail he may be exposed to danger to his life and in the ends of justice the petitioner be kept in the observation home.

Learned counsel for the informant submits that though the petitioner has been adjudged juvenile on the alleged date of occurrence but in this case the enquiry has already proceeded and it is likely to be concluded very soon as four enquiry witnesses have already been examined.

Having heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State as also the materials available on the record, this Court agrees with the



submission of learned A.P.P. that in the nature of the present case if the petitioner is released on bail at this stage he may have threat to his own life. Further it appears that in this case the enquiry has already proceeded and it is likely to be concluded very soon as four enquiry witnesses have already been examined, this Court is of the considered opinion that release of the petitioner would not be in the interest of justice.

Let the enquiry be completed within a period of four months from the date of communication of this order. If the Juvenile Justice Board, Nawada fails to conclude the enquiry within the given period of four months from the date of communication of this order, petitioner will be at liberty to renew his prayer for bail before the Juvenile Justice Board, Nawada itself.

Learned counsel for the informant has submitted before this Court that this petitioner is an adult and after marriage he has got one child also.

Learned counsel has raised strong doubt over the manner in which the age determination of the petitioner has been done by the Juvenile Justice Board.

In the present proceedings, this Court would not go into such issue, however, it would be open for the informant to raise her grievance with respect to age determination in accordance with



law before a competent court of law.

This application stands dismissed.

**(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'.

