

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.709 of 2022**

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

XX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate
For the Respondent/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-11-2022 Heard learned counsel for the parties.

The instant application has been preferred by the petitioner against the order dated 22.2.2021 whereby the prayer for bail of the petitioner in connection with a case arising out of Chandauti P.S. Case no. 220 of 2020 registered under sections 395, 354A and 354B of the Indian Penal Code was rejected.

As per the prosecution case, it is stated by the informant that she along with her friend had gone on a long drive on a motorcycle and lost their way. It is stated that some unknown accused persons stopped their motorcycle, misbehaved with her and also assaulted her friend. She heard the names of Pappu and Navin being taken by them.

The earlier prayer for bail of the petitioner was



rejected vide order dated 26.7.2021 passed in Criminal Revision no. 311 of 2021.

It is submitted by learned counsel for the petitioner that by order dated 3.12.2020 the petitioner has been declared juvenile in conflict with law as on the date of occurrence. He has been falsely implicated in the case. He is in juvenile home since 24.11.2020. Subsequent to his earlier order of rejection dated 26.7.2021, by order dated 20.6.2022 passed in Criminal Revision no. 333 of 2021, similarly situated co-accused has been enlarged on bail by this Court. It is submitted that the mother of the juvenile petitioner has sworn this affidavit.

Learned counsel further contended that neither the Juvenile Justice Board nor the appellate court could appreciate the ratio laid down by this Court in **Lalu Kumar & Ors. vs. The State of Bihar & Ors.** reported in **2019 (4) PLJR 833** while passing order on the application for bail of the petitioner and more specifically paragraph nos. 84 to 86 thereof.

The application for bail is opposed by learned APP for the State.

Further the impugned order would reveal that the



seriousness of the allegation prevailed upon the mind of the learned Appellate Court in refusing the prayer of bail of the petitioner. There was no basis for the learned Appellate Court to conclude that the guardian of the petitioner were not paying proper care and attention. There was also no material to come to the conclusion that release would expose the petitioner to moral, physical or psychological danger. The court below has also not assigned any reason as to how in the event of grant of bail the ends of justice would be defeated.

Having heard learned counsel for the parties and taking into consideration the petitioner having remained in detention since 24.11.2020 ie for 1 year 11 months and co-accused having been released on bail in the instant case by order dated 20.6.2022 passed in Criminal Revision no. 333 of 2021, the Court is inclined to allow the instant application.

For the reasons noted above, the application is allowed and the order dated 22.2.2021 passed by the learned Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) no. 6 of 2021 (C.I.S) is set aside.

The petitioner is directed to be released from custody in connection with Chandauti P.S. Case no. 220 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gaya.

The revision application stands allowed.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

