

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.782 of 2021**

Arising Out of PS. Case No.-48 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

XXX, Son of Shyam Yadav @ Ghanshyam Yadav @ Dhanshyam Yadav In
the guardian/ Legal guardian, Resident of Village - Machipur, Agarpur, P.S.-
Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate
For the Respondent/s : Mr. Akhileshwar Dayal, APP

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

8 13-09-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

Petitioner in the present case is seeking setting aside
of the impugned judgment dated 09.09.2021 passed by the
learned Additional Sessions Judge-I, Bhagalpur in Cr.Appeal
No.20 of 2021 whereby and whereunder the learned Sessions
Judge has been pleased to affirm the order dated 21.03.2021
passed by the learned Juvenile Justice Board in connection with
Mahila P.S. Case No.48 of 2019 by which the prayer for bail of
the petitioner has been refused.

As per the prosecution case, the petitioner is one of
the accused who has been involved in commission of a gang
rape of a minor girl. He has been adjudged juvenile aged about



14 years 10 months on the date of the alleged occurrence. The victim has been found to be aged between 14-16 years and her medical examination report corroborates the allegation of gang rape. It further appears that in paragraph '3' of the application the prior criminal antecedent of the petitioner has not been stated even as it appears from paragraph '9' of the impugned judgment that the petitioner was involved in a case of theft at his *Nanihal* and he had gone to jail.

Mr. Anupa Nand Jha, learned counsel for the petitioner admits at this stage that it is his fault as he could not pay much attention to the information already available in the impugned judgment.

Learned APP for the State has placed before this Court the social investigation report of the petitioner which shows that the petitioner has fallen in bad company and had been living in the company of the persons who are involved in commission of the alleged occurrence. He has also got some bad habits of chewing tobacco. He was taken into police custody from the place of occurrence.

The present stage of the trial has been received from the learned Juvenile Justice Board. It appears that the victim girl has still not been examined and the case is pending for



prosecution evidence.

Considering the criminal antecedent of the petitioner and the social investigation report suggesting that his interest lies in keeping him in the observation home only as also that the victim girl has yet not deposed, this Court is not inclined to interfere with the impugned judgment.

This application is dismissed.

(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'.

