

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.614 of 2023

Arising Out of PS. Case No.-82 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

XXXX Son of Julfekar Ali R/v- Karnapura Pipara, P.S.- Durgawati, Dist- Kaimur, Julfekar Ali aged about 42 years (M), S/O Gudari Sai, He is the Guardianship (Father) of the Appellant XXXX R/v- Karnapura Pipara, P.S.- Durgawati, Dist- Kaimur, at present R/v- Mohaniya, Ward No. 16, P.S.- Mohaniya, Dist- Kaimur (Bhabua)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dr. Kamal Deo Sharma, Adv.
For the Informant/s	:	Mr. Satyendra Pandey, Adv.
For the State	:	Mrs. Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 11-12-2023 1. Heard learned counsel for the Appellant, learned counsel for the informant and learned APP for the State.
2. The instant appeal has been filed under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 01.11.2022 in I.A. No. 01/2022 passed by the Court of learned Addl. District & Sessions Judge -1st -Cum- Special Judge, Kaimur at Bhabua in connection with A.C. Trial No. 08/2021 arising out of Mahila(Bhabua) P.S. Case No. 82 of 2019 registered for the offence(s) punishable under Sections 341, 342, 504, 506, 366A, 376D of the Indian Penal Code, and Section 6 of the POCSO Act and Section 67(A) and 67(B) of the I.T. Act whereby and



whereunder the prayer for bail made by the appellant has been rejected.

3. The main submissions advanced by learned counsel for the appellant are that the appellant has got no criminal antecedent and he has been declared juvenile as on the date of occurrence his age was 17 years 03 months and 09 days and he has been languishing in Observation Home since 25.11.2019 accordingly, he has completed about four years in Remand Home.

4. Learned counsel appearing for the informant and learned APP for the State have vehemently opposed the prayer for bail of the appellant and submitted that the instant matter relates to a serious offence of gang rape committed by this appellant and co-accused persons out of whom co-accused Md. Shahnawaz @ Sonu and Sikandar Ansari have been convicted and the maximum punishment awarded upon them is 35 years rigorous imprisonment for the offence punishable under Section 376D of IPC and till date only three prosecution witnesses including the victim have been examined out of nine chargesheet witnesses and the rest prosecution witnesses who are to be examined are official persons.

5. Having considered the facts and circumstances of



this case and mainly the Social Investigation Report, which shows that the appellant is not under the control of his guardians and the alleged occurrence relates to the offence of gang rape and in the trial of the appellant, only official persons are to be examined, in my opinion, in the said circumstances, the appellant does not deserve to the privilege of bail at this stage. Accordingly, his prayer for bail stands rejected.

6. In the result, the instant appeal stands dismissed.

7. Learned Trial Court is directed to take steps to complete the trial of the appellant in the next six months and run the trial of the appellant on day to day basis. If on account of the prosecution, the trial of the appellant is lingered, then the appellant may renew his prayer for bail after six months.

(Shailendra Singh, J)

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