

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1088 of 2023

In
CRIMINAL REVISION No.797 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- GRIYAK District- Nalanda

XXXXXX, resident of village- raitar, p.s.- Giriyak, District- Nalanda. Under the guardianship of his father Raghu Pandit.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Prasad Singh, Advocate
For the Respondent/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 26-09-2023 1. Heard learned counsel for the appellant 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 23.09.2022 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Children Court, Bihar Sharif (Nalanda) in Children Case No.6 of 2022 arising out of Giriyak P.S. Case No.155 of 2022 for the offence/s punishable under Section/s 363, 365 and 376 of the Indian Penal Code and Section/s 8 and 12 of the POCSO 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, who is a student, has been languishing in jail since 22.05.2022 and he has been declared juvenile and at the time of commission of the alleged occurrence, appellant's age was 17 years, in fact in view of the statements recorded by the so-called victim during investigation under Section/s 161 and 164 of Cr.P.C., it is clearly evident that there was love affair in between the appellant and the said victim and during investigation the victim was found alone roaming at Jal Temple in Nalanda Pawapuri and at that time she was not found with the appellant and as per the social investigation report, the appellant is studying in intermediate class and he has fair and clean antecedent and there are several major family members in his family who are ready to take care of the appellant after his release from jail.

4. Learned APP appearing for the State has opposed the bail prayer of the appellant.

5. Considering the above submissions and mainly taking into account the social investigation report concerned to the appellant as well as victim's statement recorded during investigation, discussed above, and also appellant's protective custody period which has been more than one year and the same



appears to be sufficient to keep the appellant under observation and keeping the appellant in jail continuously will hamper his education and career, in my opinion, in the said circumstances it will be proper to enlarge the appellant on bail. Accordingly, let the appellant above-named be enlarged on bail during the pendency of this appeal on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge, Children Court, Biharsharif (Nalanda) in Children Case No.6 of 2022 arising out of Giriyak P.S. Case No.155 of 2022.

(Shailendra Singh, J)

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