

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1827 of 2023

Arising Out of PS. Case No.-91 Year-2021 Thana- MAHILA P.S. District- Araria

XXXX SON OF ASHOK KUMAR SINGH @ ASHOK SINGH R/O
VILLAGE- NANHI TOLA, WARD NO.16, P.S.- CHHATAPUR, DISTRICT-
SUPAUL

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bishwajeet Singh, Adv. Mr. Kundan Kumar Singh, Adv.
For the State	:	Mr. Ramchandra Singh, APP
For the Informant/s	:	Mr. Gopal Kr. Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 04-12-2023 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 14.03.2023 passed by the Court of learned 1st Addl. Sessions Judge -cum- Special Judge, Araria, in connection with Spl.(Child) Case No. 01 of 2023 arising out of Mahila P.S. Case No. 91 of 2021 registered for the offence(s) punishable under Sections 363, 365, 376, 354-A, 341, 342, 385, 379/34 of the Indian Penal Code, 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 been declared juvenile and presently he has been languishing in remand home since 22.11.2022 and he has got fair and clean antecedent and the Social Investigation Report is not against him and the allegation of forceful sexual relationship which is said to have been established by the appellant with the so-called victim is completely false as according to the prosecution's allegation the victim lived in the house of the appellant for three months where the appellant's family members also reside, so in the presence of appellant's family members it was not possible for the appellant to establish sexual relation forcefully with the victim for a long period of three months, in fact there was a dispute with regard to money transaction in between the victim's family and appellant's family and the so-called victim is relative of the appellant and on account of the said reason the FIR of the present matter has been falsely prepared and lodged.

4. Learned counsel appearing for the informant as well as learned APP for the State has vehemently opposed the prayer for bail of the appellant.

5. Considering the above submissions and mainly taking into account the Social Investigation Report which does



not go against the appellant's prayer and the appellant has undergone a considerable period in protective custody and as per the statement made by the appellant in the Memo of Appeal the appellant has passed Intermediate Examination with Science in First Division and presently he is studying in B.Sc Part-I, so keeping him in Remand Home continuously, will hamper his academic career, in my opinion, in the said circumstances, the appellant deserves to the privilege of bail. Accordingly, let the appellant named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge -cum- Special Judge, Araria, in connection with Spl. (Child) Case No. 01 of 2023 arising out of Mahila P.S. Case No. 91 of 2021.

6. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J)

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