

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2104 of 2023

Arising Out of PS. Case No.-93 Year-2022 Thana- MAHILA PS District- Gaya

SUBHASH KUMAR Son of Umesh Yadav Resident of village - Meharban Pur, P.S. - Chakand, Distt. - Gaya, through his mother Sunita Devi wife of Umesh Yadav, R/o village - Meharban, P.S. - Chakand, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Roni Kumari D/o Dinesi Paswan Resident of village - Bhikhan Pur, P.S. - Khakand, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl. P.P. Mr. Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 02-11-2023 1. Heard learned counsel for the appellant and learned Spl.P.P. appearing for the State.

2. This is an appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 against refusal of the prayer for bail to the appellant by order dated 01.03.2023 passed by Special Judge (Children Court), Gaya in connection with Juvenile Trial No. 05 of 2023 arising out of Mahila P.S. Case No.93 of 2022.

3. Learned counsel appearing for the appellant submits that the victim is found to be 19 years old and the medical evidence does not corroborate the allegations of the



victim as it reveals no external and internal injuries. It is also submitted that para 42, 43 and 49(8) of the social investigation report suggests that there was love affair between the appellant and the victim and the appellant has no criminal history. Further submission is that the appellant has been languishing in custody since 25.10.2022 and there is no likelihood of the appeal to be taken up for hearing in near future.

4. Considering the submissions made above and the unlikelihood of the appeal to be taken up for hearing in near future, the prayer for suspension of sentence and grant of bail to the appellant is allowed. Let the appellant (juvenile), above named, be enlarged on bail on execution of surety bond by either of the parents of the appellant or in absence thereof, by his/her close relative giving undertaking that he/she shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/trial.

(Arvind Srivastava, J)

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