

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.399 of 2023

Arising Out of PS. Case No.-81 Year-2022 Thana- MAHILA PS District- Gaya

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ARVIND KUMAR Son of Shankar Yadav Resident of village - Nima, P.S. - Gurua, Distt. - Gaya. Under the guardianship of his father namely Shankar Yadav, resident of village - Nima, P.S. - Gurua, Distt. - Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. PRABUDH CHATTERZEE Son of Late Devvrat Chatto Upadhyaya Resident of The Kerk view K.G. School south Gandhi Maidan, church Road, P.S. - Civil Line, Distt. - Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 19-09-2023 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.2. The petitioner, in the present case, has prayed for setting aside the judgment and order, dated 19.04.2023, passed by learned Special Judge (Children Court), Gaya, in Juvenile Appeal No. 05/2023 as well as order, dated 10.02.2023, passed by learned Principal Magistrate, Juvenile Justice Board, Gaya, in Misc. Case No. 475 of 2022, whereby the prayer for bail of the petitioner was rejected in connection with Mahila Police Station Case No. 81 of 2022, registered for the offences punishable under Sections 376/376 (AB)/376 (D) of the Indian Penal |
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Code and Section 4/6 of the Prevention of Children from Sexual Offences Act, 2012.

3. Learned Counsel for the petitioner submits that the petitioner has been adjudged juvenile aged about 15 years 05 months and 13 days on the date of the alleged occurrence. It is submitted that the father of the petitioner is ready to stand as surety and furnish an undertaking if the petitioner is released on bail.
4. On the other hand, learned Additional Public Prosecutor for the State opposed this application. It is stated that in this case the allegation against the petitioner is that of sexually assaulting the daughter of the informant, who was aged about 4 years. The victim child has identified the petitioner by his photo as the person who sexually assaulted her. It is submitted that the petitioner should not be released on bail at this stage because the matter relates to sexually assaulting a four years old girl and there would be tension in the society over commission of such crimes and the life of the petitioner would be in danger.
5. Having regard to the facts and circumstances of the case, this Court is of the considered opinion that at this stage the best interest of the petitioner lies in keeping him with



the observation home only and to allow him to undergo the reformation process.

- 6. This Court agrees with the submission of learned Additional Public Prosecutor for the State that if released on bail the life of the petitioner may be in danger.
- 7. This revision application is, accordingly, dismissed.
- 8. However, the petitioner may renew his prayer for bail after six months from today.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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