

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3323 of 2022**

Arising Out of PS. Case No.-208 Year-2022 Thana- DEEPNAGAR District- Nalanda

RITIK KUMAR Son of Rambabu Thakur R/V- Pokharpur, p.S- Giriyak, Dist- Nalanda (Bihar) under guardianship of his uncle Nityanand Sharma aged about 74 years, Son of Munshi Sharma, R/v- Tarokhar, Raitar, P.S- Giriyak, Dist- Nalanda (Biharsharif)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Madhawi Mishra D/o Sanjay Mishra R/V- Pawa, P.S- Deepnagar, Dist- Nalanda(Biharsharif)

... .. Respondent/s

**Appearance :**

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|----------------------|---|-----------------------------------|
| For the Appellant/s  | : | Mr. Shankar Kumar, Advocate       |
| For the Respondent/s | : | Mr. Anand Mohan Prasad Mehta, APP |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

5      13-01-2023                      Mr. Shankar Kumar, learned counsel appearing for the appellant and Mr. Anand Mohan Prasad Mehta, learned APP appearing for the States are present and they are heard through video conferencing.

The instant appeal has been filed against the order dated 02.08.2022 passed by learned Additional Sessions Judge 1<sup>st</sup>-cum-Special Judge, Children Court, Bihar Sharif (Nalanda) in Children Case No. 08 of 2022, arising out of Deepnagar P.S. Case No.208 of 2022 registered under Sections 354, 366A, 376, 384, 506 and 34 of the Indian Penal Code, Sections 4, 6, 8 of POCSO Act and Section 67 of I.T. Act by which the learned trial Court has refused the prayer for bail made by the appellant from



which being aggrieved the instant appeal has been preferred.

It is submitted by learned counsel for the appellant that the appellant has fair and clean antecedent and he was named in the FIR mainly on the basis of suspicion and the main allegation of enticing is against co-accused Sumit Kumar and there is no direct and indirect allegation against the appellant and any specific role of the appellant in the alleged occurrence was not revealed and levelled in the FIR, in fact the so-called victim was having love affair with co-accused Sumit Kumar and the appellant had no concern with the said affair and he has been languishing in custody in remand home since 16.05.2022 and his age has been assessed between 16 and 18 years and he has been declared juvenile and while rejecting his prayer the learned trial Court did not take into account the Social Investigation Report regarding the family background of the appellant in right perspective.

Learned APP has opposed the prayer for bail of the appellant made in this appeal.

Having considered the above submissions and mainly taking into account the Social Investigation Report concerned to the family background of the appellant and also taking into account the nature of allegation made against the appellant in the FIR, in the opinion of this Court keeping the appellant



continuously in custody in remand home will not be beneficial for the appellant in respect of his social and other development and it may cause some hindrance in overall development of the appellant and the appellant who has been declared juvenile is facing trial before the Children Court and in view of the provisions of Section 12 of J.J. Act the approach taken by the learned trial Court while rejecting the prayer for bail made by the appellant was not proper. Accordingly, the prayer made by the appellant in this appeal stands allowed and the appellant is directed to be released on bail on furnishing bail bond of Rs.10,000/- of two sureties of his close major relatives to the satisfaction of the learned trial Court and also on the condition that after his release from remand home the said sureties shall submit a progress report regarding the social and educational development of the appellant after a gap of every three months and if any further activity of the appellant in a criminal matter is again found then the learned trial Court shall take a serious action against him by sending him in the remand home. Accordingly, the impugned order is set aside and the instant appeal stands allowed.

**(Shailendra Singh, J.)**

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