

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3339 of 2022**

Arising Out of PS. Case No.-5 Year-2021 Thana- MAHILA P.S. District- Sitamarhi

MERAJ ANSARI SON OF AJAJUL ANSARI RESIDENT OF VILLAGE-
RAJOPATTI MILL TOLA, WARD NO. 18, P.S. MEHSAUL, DISTRICT
SITAMARHI FOR HIS MINOR CHILD IRFAN ANSARI UNDER
GUARDIANSHIP OF HIS FATHER MERAJ ANSARI (CHILD IN
CONFLICT WITH LAW)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subodh Kumar, Advocate
For the Respondent/s : Mr.Ramchandra Singh, App

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

Date : 09-02-2023

Mr. Subodh Kumar and Mr. Karandeep Kumar,
learned counsels appearing for the appellant and Mr.
Ramchandra Singh, learned APP appearing for the State are
present and they are heard.

The instant appeal has been filed by the appellant,
namely, Meraj Ansari, through his father, against the order
dated 10.08.2022 passed by learned Children Court-cum-
Additional District & Sessions Judge-I, Sitamarhi in connection
with Sitamarhi Mahila P.S. Case No.5/2021 registered for the
offences punishable under Sections 376, 504 and 506 of the
Indian Penal Code, whereby the prayer for bail made by the
appellant has been rejected.



It is submitted by learned counsel for the appellant that the appellant has been declared the child in conflict with law and on the alleged day of occurrence, his age was 16 years 10 months and 23 days. The allegation made in the FIR is totally false as admittedly the informant is much older than appellant and as per the FIR itself, the informant is a married lady having two children from her former husband. So, in such a situation and in light of such difference of age between the appellant and informant, it is not believable that the appellant forcefully established sexual relationship with the informant and moreover the appellant has been languishing in the observation home since 16.11.2021 and there are sufficient major persons in his family and the grounds taken by the learned children's court while rejecting the prayer for bail of the appellant, are not tenable in the light of provisions of Juvenile Justice Act and in this regard, social investigation report submitted by Probation Officer filed as Annexure 3 may be perused.

Learned APP appearing for the State has no objection to the prayer for bail made by the appellant.

I have considered the above submissions and the nature of allegation appearing from the FIR against the appellant and social investigation report which shows that in



the family of the appellant, there are father and mother who can easily take care of the appellant and mainly on the ground of appellant being mentally challenged person, it is not proper to keep the appellant in the observation home continuously as the same will be against his all round development and there is also no possibility of the appellant to come in the contact of known criminals after his release and his release will not defeat the ends of justice and moreover he has spent considerable period in the observation home and the grounds taken by the learned court below in rejecting the prayer for bail of the appellant do not appear to be proper in the light of the spirit of Section 12 of the Juvenile Justice Act in view of the social investigation report. Accordingly, I find the impugned order to be improper, hence it stands set aside and the instant appeal stands allowed and the appellant is directed to be released from the observation home on furnishing of bail bond of Rs.10,000/- each by two sureties of his parents to the satisfaction of learned court below and also on this condition that father of the appellant shall submit a progress report with regard to educational and social development of appellant in trial court after every three months during the trial of appellant and if any adverse thing to said development of the appellant is found then



the court below shall take strict action against the appellant.

Accordingly, the instant appeal stands allowed.

(Shailendra Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2023
Transmission Date	NA

