

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3640 of 2022**

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA PS District- Buxar

Minku Pandey @ Gautam Pandey Son of Gopi Pandey @ Gopinath Pandey
Under guardianship of his father Gopinath Pandey, R/o Village - Barhmpur,
P.S.- Brahampur, District - Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anand Kumar Ojha, Advocate
For the Respondent/s : Mr.Mukeshwar Dayal, APP

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

Date : 02-02-2023

The instant appeal has been filed against the order dated 12.08.2022 passed by the Court of learned A.D.J.- 1st -cum-Special Judge (SC/ST & Children Court), Buxar in Child Case No. 09/2022 (CIS Cr. Case No. 14/2022) whereby the prayer for regular bail made by the appellant was rejected from which being aggrieved and dissatisfied the instant appeal has been preferred and the appellant has been made accused in Buxar Mahila P.S. Case No. 55/2021 registered for the offences punishable under Sections 365, 366, 367, 368, 370, 342, 376D/34 of I.P.C. and Section 4/6 of POCSO Act.

2. It is submitted by learned counsel for the appellant that there is criminal antecedent of four cases against the appellant but all these cases are of different nature and moreover, the same



relate to family disputes and the appellant is on bail in all these cases and in the present matter eight persons were made accused in which five co-accused persons have been granted regular bail and anticipatory bail and the appellant has been languishing in remand home since 15.11.2021 and he has been declared Juvenile being on the date of the alleged occurrence as he was below 18 years of age. Further submission is that as per the report submitted by the Probation Officer there will not be any apprehension to physical and moral danger to the appellant if he is released from the remand home and the grounds taken by the learned Court below while rejecting the prayer of the appellant are not tenable in the light of the provisions of Juvenile Justice Act.

3. Learned APP has opposed the prayer for bail made by the appellant and submitted that against the appellant there is allegation of heinous offence and has remained involved in four criminal cases and there is a possibility of the appellant's coming in the association of criminals if he is released on bail.

4. Heard both the sides and perused the order impugned and social investigation report submitted by Probation Officer and other relevant materials. The appellant has been declared juvenile and on the date of alleged occurrence he was a minor and he has been languishing in remand home since 15.11.2021 and keeping



him in remand home continuously will hamper his development in all respects and moreover, the social investigation report sent by the Probation Officer does not justify the grounds taken by learned Court below in the order impugned while rejecting the prayer of the appellant and in the family of the appellant there are sufficient number of major members who are close relatives of the appellant. The father of the appellant is ready to give his undertaking to keep a vigilant watch upon the conduct of the appellant after his release. Though, against the appellant there is criminal antecedent of four cases but as per the statement made in paragraph No. 3 in the memo of appeal, he is on bail in all the said cases and nature of the allegation relating to the present matter is quite different from the said cases mentioned as his criminal antecedent. Considering all these facts, this Court is of the opinion that the order impugned rejecting the bail prayer of the appellant does not appear to be proper.

5. Accordingly, order impugned stands set aside and the present appeal stands allowed and the appellant named-above is directed to be released 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 A.D.J.- 1st -cum-Special Judge (SC/ST and Children Court), Buxar in Child Case No. 09/2022



arising out of Buxar Mahila P.S. Case No. 55 of 2021, further on this condition that the appellant’s father shall furnish a report after every three months during the trial before the Court below showing the physical, social and educational development of the appellant if anything against the social, educational and moral development of the appellant is found by the Trial Court then the learned Court below will have a liberty to take serious action against him.

(Shailendra Singh, J.)

maynaz/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.02.2023.
Transmission Date	08.02.2023.

