

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3995 of 2023

Arising Out of PS. Case No.-97 Year-2021 Thana- MAHILA P.S. District- Araria

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XXXXXX S/o XXXX through XXXXX aged about 56 yrs female W/o-XXXXXXX in the capacity of mother, Natural Guardian of Minor who has been declared Minor by the Juvenile Justice Board, Resident of Village-Chirah, Ward No. 03, P.S. Mahalgaon (Jokihat), District-Araria.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nafisuzzoha, Adv.

For the Respondent/s : Mrs.Abha Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-12-2023 1. Heard learned counsel for the appellant and learned APP for the State.

2. The instant appeal has been filed under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 11.07.2023 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Araria in connection with Special (Child) Case No. 04 of 2023, arising out of Araria Mahila P.S. case No. 97/2021, registered for the offences punishable under Sections 376 and 506 of the IPC, whereby the prayer for bail made by the appellant has been rejected.

3. The main submissions advanced by learned counsel for the appellant are that at the time of commission of the



alleged offence, the appellant's age was 16 years and four months and he has been declared juvenile and admittedly, the so-called victim was older than the appellant at the time of commission of the alleged offence of rape and the said victim remained silent for four months without disclosing the alleged occurrence and the appellant has got no criminal antecedent and he has been languishing in observation home since 24.01.2023 and the Social Investigation Report is not against him.

4. Learned APP appearing for the State has opposed the prayer for bail of the appellant.

5. Considering the above submissions and mainly taking into account the Social Investigation Report of the appellant, which is not against him, and he has undergone sufficient period in protective custody and there are several major family members in his family to take care of him after his release from observation home, in my opinion, the appellant deserves to be released from the observation home. Accordingly, let the appellant named above 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 Additional Sessions Judge 1st-cum-Special Judge, Araria in connection with Special (Child) Case No. 04 of 2023, arising out of Araria



Mahila P.S. case No. 97/ 2021.

6. In the result, the instant appeal stands allowed and
the order impugned is hereby set aside.

(Shailendra Singh, J)

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