

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4213 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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XXX Son of Bijay Singh R/v- Bakhtaura, P.S.- Darpa, District- East
Champaran Under Guardianship and natural and legal guardian of his Father
namely Bijay singh aged about 47 years, Gender- Male, Son of Hanuman
Singh

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. UMA SHANKAR SAH Son of Late Ganesh Sah R/v- Ayodhya Nagar,
Kolhuarwa, P.S.- Motihari Town, District- East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Madhurendra Kumar
For the Respondent/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 20-07-2023 Heard learned counsel for the appellant and learned APP
for the State.

2. The present appeal has been filed against the order
dated 07.09.2022 passed by learned 1st Additional Sessions
Judge-cum-Special Judge Children's Court, East Champaran ,
Motihari in connection with Children Trial No. 20 of 2022
arising out of Town P.S. Case No. 79 of 2022 registered under
Sections 363, 366(A), 376 of the IPC and Section 4 of the
POCSO Act whereby and whereunder the prayer for bail of the
appellant was rejected.



3. As per prosecution case, informant's daughter has been kidnapped by unknown miscreants with wrong intention. FIR has been lodged against unknown and owner of some mobile numbers.

4. Learned counsel for the appellant(juvenile) submits that the present appellant(juvenile) is not named in the FIR and his name has been surfaced in the present case during the course of investigation on the basis of suspicion only. He further submits that appellant is quite innocent and has committed no offence as alleged in the FIR.

5. Learned A.P.P for the State vehemently opposes the prayer for bail of the appellant and submits that column 22 of SBR indicates that the petitioner/CICL was apprehended near the main gate of railway station, Motihari with the victim and same is mentioned in impugned order also.

6. On bare perusal of provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it appears that Juvenile in conflict with law shall be released on bail unless there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of



justice.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the appellant, materials available on record and the finding of the learned Court below as also the submissions advanced on behalf of the parties, this court does not find any error in the order of the court below. Accordingly, this appeal is dismissed.

8. However, the court concerned is directed to expedite the case as early as possible preferably within six months from the date of receipt/production of copy of this order and if same is not concluded within the above stated period, the prayer for bail may be renewed.

(Alok Kumar Pandey, J)

vashudha/-

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