

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.223 of 2024

Arising Out of PS. Case No.-31 Year-2018 Thana- MAHILA PS District- Gopalganj

XXXXXXXX, Son of XXXXXXX, R/o Vill - Chamanpura, P.S. - Baikunthpur,
Distt. - Gopalganj, through his natural guardian Mother -XXXXXXXX, aged
about 45 Year Female, W/o Vikram Raut R/o vill - Chamanpura, P.S. -
Baikunthpur, Distt. - Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv.
For the Respondent/s	:	Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 06-03-2024

1. Heard learned counsel for the parties.

2. This appeal has been preferred against the order dated 13.10.2023 passed by the learned Court of 1st Additional Sessions Judge-cum-Special Judge under Juvenile Act, Gopalganj, in connection with Juvenile Enquiry Case No. 108 of 2023, Special Case No. 14 of 2023 arising out of Mahila P.S. Case No. 31 of 2018 registered for the offences under Sections 493, 376 read with Section 34 of the Indian Penal Code (in short 'IPC') and Sections 4 and 6 of POCSO Act, whereby and whereunder the court concerned rejected the bail prayer of the appellant from which being aggrieved and dissatisfied, the instant appeal has been filed, under Section 101(5) of the Juvenile Justice Act.



3. Mrs. Vaishnavi Singh, learned counsel for the appellant submits that the appellant was below 18 years of age at the time of commission of the alleged occurrence of sexual relation and as per the allegation, he established physical relationship with the victim on the pretext of marriage and the said relation remained in force for one year as per the FIR but during that period, no resistance was made by the so-called victim and the appellant took the plea of juvenility before the trial court which was decided by trial court's order dated 23.03.2023 holding the appellant juvenile. It is further submitted that the appellant has been languishing in jail since 02.09.2019 and he has completed more than four years in jail which is sufficient for keeping him under supervision and his trial is at initial stage.

4. Mr. Ramchandra Singh, learned APP for the State has opposed the bail prayer of the appellant.

5. Considering the above submissions and mainly taking into account the appellant's custody period which is more than four years that is sufficient to keep him in protective custody and also taking into account the nature of allegation, this Court finds the appellant's prayer to be proper for accepting. 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 1st Additional Sessions Judge-cum-Special Judge under Juvenile Act, Gopalganj, in connection with Juvenile Enquiry Case No. 108 of 2023, Special Case No. 14 of 2023 arising out of Mahila P.S. Case No. 31 of 2018.

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

(Shailendra Singh, J)

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