

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.105 of 2023

Arising Out of PS. Case No.-465 Year-2022 Thana- WAJIRGANJ District- Gaya

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Raushan Kumar S/O Indra Dev Das R/O Village- Shahiya Tola, Ayodhayapur,
P.S- Wazirganj, District- Gaya through his father Indra Dev Das

... .. Petitioner

Versus

1. The State of Bihar
2. Doly Kumari Under the guardianship of D/O- Chotelal Das Resident of Village- Singhthiya Tola, Ayodhyapur, P.S.- Wazirganj, Distt.- Gaya

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra
For the Respondents : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

7 02-12-2024 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. This revision has been preferred by the petitioner (juvenile) being aggrieved with the order dated 06.01.2023 passed by the Spl. Judge (Children Court), Gaya in Juvenile Appeal No. 30/2022 whereby and whereunder the learned Appellate court rejected the prayer of bail of the applicant and dismissed the appeal.

3. According to the case of prosecution, it is alleged that four-five month prior to the lodging of the F.I.R., the petitioner herein taken the victim girl, who was aged about 17 years, on pretext of marriage. Both were resided few days at



Patna. Thereafter, he left the victim girl in the Railway Station of Gaya. Thereafter, the matter was reported by the victim girl. On the basis of said report, offence punishable under Section 366A/376 of I.P.C. and Sections 4 and 6 of POCSO Act has been registered. During the course of investigation, on 27.09.2022, the petitioner has been taken on custody. Since then, he is in observation home. Petitioner firstly moved an application for grant of bail before the concerned Juvenile Justice Board, which has been rejected by the Board *vide* its order dated 30.11.2022, which has been assailed by the petitioner before the learned Appellate Court *vide* impugned order dated 06.01.2023. The Appellate Court also rejected the application as well as the appeal.

4. Learned counsel for the petitioner would submit that the petitioner is innocent and falsely implicated in this case. From the contents of the F.I.R. itself, it shows that there was a love relation between the petitioner and the victim girl and due to said love relationship, she herself left her house and joined the company of the petitioner.

5. Further, referring to the Medical Report, which is annexed with the petition, it is submitted by the learned counsel for the petitioner that according to the Medical Report,



radiological age of the victim girl was found about above than 19 years. Since, she was a major girl and she herself left her house and joined the company of the petitioner, therefore, no offence is made out against the petitioner herein, as alleged by the prosecution. He further submits that there is no any antecedent against the petitioner and S.I. Report also does not suggest anything against him. He is in observation home since 27.09.2022. Thereafter, it is prayed by the learned counsel for the petitioner that on these grounds he may be granted benefit of bail.

6. Learned counsel for the State opposes the submission made by the Learned counsel for the petitioner.

7. Perused the Case Diary as well as the S.I. Report.

8. Considering the submission made by the counsel and further considering the fact that the S.I. Report does not suggest anything against the petitioner, who is in custody since 27.09.2022, I am of the view that it is a fit case where he should be granted benefit of bail.

9. Accordingly, the petition is allowed. The order dated 06.01.2023 passed by the Spl. Judge (Children Court), Gaya in Juvenile Appeal No. 30/2022 and the order dated 30.11.2022 passed by the learned Principal Magistrate, Juvenile



Justice Board, Gaya in Wazirganj P.S. Case No. 465 of 2022 are hereby set aside.

10. Let the above named petitioner-applicant be released on bail on furnishing the bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Magistrate, Gaya in connection with Wazirganj P.S. Case No. 465 of 2022, subject to the following conditions:

(i). that one of the bailors shall be father/mother of the petitioner.

(ii). That the father/mother of the petitioner shall file an affidavit before the learned Juvenile Justice Board, Gaya giving specific undertaking that after release of the petitioner on bail, he will take proper care of the petitioner and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

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