

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.910 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Chandan Kumar Father and through his natural guardian Son of Suresh Singh
Resident of Village- Bhelwa Taufir, P.S.- Mufassil, District-Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rishi Raj Raman

For the Respondent/s : Mr.Abhay Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 20-06-2024 Heard the learned counsel for the appellant as well as
the learned APP for the State.

2. This appeal has been preferred against the order dated 05.01.2024 passed by learned Additional District & Sessions Judge-1st-cum-Special Judge Children Court, Munger, in JJB No. 94 of 2023 arising out of Muffasil P.S. Case No. 78 of 2023 lodged under Section 376/34 of the IPC and Section 4/8 of the POCSO Act wherein cognizance has been taken under Section 376D of the IPC and 4/6 of the POCSO Act.

3. While making a prayer for bail, the learned counsel for the appellant submits that the victim changed her version which is contradictory to her *fardbeyan*. In *fardbeyan*, she alleged that the appellant and co-accused Dipak Kumar committed rape upon her whereas in her statement under Section 164 of CrPC, she stated that only the appellant committed rape upon her. Learned



counsel has also submitted that as per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2012, at the time of consideration of bail application of a juvenile, gravity of the offence cannot be looked into. He has submitted further that co-accused Dipak Kumar has been granted bail by a coordinate Bench.

4. Considering the above-mentioned facts and circumstances, let the appellant who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of his parents on execution of surety bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1st-cum-Special Judge Children Court, Munger, in JJB No. 94 of 2023 arising out of Muffasil P.S. Case No. 78 of 2023 with the condition that the father of the appellant shall furnish an undertaking that while the appellant is on bail, he will not allow the appellant to come in company/association with any criminal or anti social elements and he will take proper care of the appellant. Further, the appellant will be produced as and when required by the court below and shall cooperate during the trial.

(Nawneet Kumar Pandey, J)

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