

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1025 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- NOKHA District- Rohtas

XXXXXXXX S/O- XXXXXXX Child In Conflict With Law. The guardianship of his mother xxxxxx wife of xxxxxx, resident of village- Sisirit Tola, P.S.- Nokha, (Dharmapura), Dist.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. Syed Ashfaque Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 04-04-2024

1. Heard learned counsels for the parties.

2. This appeal has been preferred under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act against the order dated 19.12.2023 passed by the court of learned 1st Additional District & Sessions Judge-cum-Special Judge, Children Court, Rohtas, in connection with G.R. No. 05/2023 arising out of Nokha (Dharmapura) P.S. Case No. 94/2023 registered for the offences under sections 376(DB) and 506 of the Indian Penal Code, under sections 4 and 6 of POCSO Act and under section 67(b) of I.T. Act, whereby and whereunder the court concerned rejected the bail prayer of the appellant.

3. Mr. Rajani Kant Singh, learned counsel for the



appellant submits that the appellant is facing trial as a child in conflict with law in the Children court and he has been declared juvenile and his age was 17 years when the alleged occurrence took place. Learned counsel further submits that the appellant has been under observation in Remand Home since 16.04.2023 and he has spent sufficient period under observation and his trial has started and out of five prosecution witnesses, four material witnesses have been examined, including the victim, who did not make any allegation against the appellant and the victim deposed in her cross-examination that the appellant had not committed any wrong with her and she further stated that on the basis of suspicion, she lodged the FIR and no video of any incident was made viral and these facts deposed by the victim are sufficient to falsify the allegations levelled by her in the FIR against the appellant. Learned counsel further submits that the appellant has not remained involve in any crime in the past and the social investigation report is not against him and he is willing to get/receive further education.

4. Mr. Syed Ashfaque Ahmad, learned APP for the State has opposed the bail prayer of the appellant and submitted that there is serious allegation against the appellant and the order impugned has been rightly passed.



5. Considering the above submissions and mainly taking into account the facts that the material witnesses of the prosecution have been examined in the trial of the appellant and there is no any adverse report regarding the conduct of the appellant relating to the period of his custody in remand home till date and he has spent sufficient period in protective custody, in my opinion, the appellant deserves to be released on bail from the Remand 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 1st Additional District & Sessions Judge-cum-Special Judge, Children Court, Rohtas in connection with G.R. No. 05/2023 arising out of Nokha (Dharmapura) P.S. Case No. 94/2023, **on the following conditions :-**

(i) One of the bailors shall be father/mother of the appellant, who shall file his/her undertaking before the learned trial court at the time of furnishing of bail bond to this effect that he/she shall take care of the appellant after his release during trial and get the appellant admitted in school/college for his further education and if, appellant's further involvement in any criminal matter subsequent to the commission of the present matter is found then the learned trial court shall take serious



action against him by cancelling his bail bond.

(ii) After the gap of every six months during trial period, the learned trial court shall call for a report from the concerned regarding the educational development of the appellant and if any contrary to his educational development is found then the learned trial court shall take serious action against him by cancelling his bail bond.

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

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

