

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 2160 of 2024**

Arising Out of PS. Case No.-57 Year-2023 Thana- KAUWAKOL District- Nawada

C C L Mr X SON OF SHIVA MANJHI R/O VILLAGE- PRABHA NAGAR,
P.S.- Kowakol, DIST- NAWADA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Ranjan

For the Respondent/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

3 09-08-2024

Heard.

2 This appeal has been preferred against the order dated 17.02.2024 passed by the learned Additional Sessions Judge I -cum- Special Judge (Children Court), Nawada in Child Case No 5 of 2023 arising out of Kowakol PS Case No 57 of 2023 dated 28.01.2023 registered for the offence punishable under Section 376 of the IPC and Section 4 of the POCSO Act whereby the learned Special Judge rejected the prayer for regular bail of the appellant who is juvenile in conflict with law.

3 According to the case of the prosecution, the victim girl, aged about 13 years, submitted a written report alleging therein that when she was alone in her house in the night, the appellant entered into her house and committed forcible sexual



intercourse with her. On the basis of said written information, FIR was registered. Appellant was taken in custody on 30.01.2023. He preferred an application for grant of bail before the learned Special Judge, which has been dismissed vide order dated 17.02.2024, by the learned Special Judge. Hence, this appeal.

4 Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in this case. He further submits that there was family dispute and due to this, false and fabricated report has been lodged by the victim. There is no previous antecedent of the appellant. Therefore, it is prayed by him that the appellant be granted the privilege of bail.

5 Learned counsel for the State opposes the prayer for bail.

6 Considering the submission of both the counsel and further considering the fact that the appellant has no previous antecedent and also considering the fact that the social investigation report suggests that there was love affair between the victim girl and the appellant, the appellant is granted the privilege of bail.

7 Considering the above facts, this appeal is allowed.



8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I -cum- Special Judge (Children Court), Nawada in Child Case No 5 of 2023 subject to the following conditions:

- (i) That one of the bailors should be the mother of the appellant, and
- (ii) That the mother of the appellant shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the appellant on bail, she will take proper care of the appellant and will not allow him to fall into bad company.

(Arvind Singh Chandel, J)

M.E.H./-

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

