

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 527 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- BARHARIA District- Siwan

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X Son Of Murtaza Ali @ Chanda Minor Under The Guardianship Of His
Father Murtaza Ali @ Chanda, Resident Of Village - Ranipur, P.S. -
Barharia, District - Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Amna Khatoon wife of Sohrat Khan Resident of Village Ranipur, P.S.-
Barharia, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Rajesh Ranjan, Advocate
For the Respondent/s : Mr Rajiv Nayan, APP

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 25-07-2024

Heard.

2 This revision petition has been filed against the order dated 03.06.2024 passed in Juvenile Appeal No 8 of 2024 by the Children Court -cum- Additional Sessions Judge I, Siwan whereby and whereunder the appeal filed by the petitioner (juvenile) has been dismissed and order dated 11.03.2024 passed by the JJB, Siwan in JE No 85 of 2024 arising out of Barharia PS Case No 35 of 2024 registered for the offence punishable under Section 376 of IPC and Sections 4 and 6 of the POCSO Act has been upheld.

In this case, the age of the victim girl is about 8 years. According to the case of the prosecution, on 04.02.2024 at about 5 pm, the victim girl had gone to purchase biscuits from the shop of the petitioner. Allegedly, the petitioner forcibly held the



victim girl and tried to outrage her modesty. The incident was informed by the victim girl to her mother. On 05.02.2024, FIR has been lodged and on the same day, the applicant/petitioner has been taken in custody and since then he is in Juvenile Home.

3 It is submitted by the learned counsel for the petitioner that the petitioner has been held to be juvenile. On the date of occurrence, the age of the petitioner was 15 years, 2 months and 11 days. He further submits that the petitioner is innocent and has been falsely implicated in this case. Medical report of the victim girl has not supported the case of the prosecution and there is no previous antecedent against the petitioner. It is further submitted that Social Investigation Report is also not against the petitioner. Relying the provisions of Section 3 (i) (iv) (v) (xiv) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity, *the Act*) and further relying Section 12 of the Act, learned counsel for the petitioner submits that the bail is a rule and denial of bail to the juvenile is exception.

4 Learned counsel further submits that the petitioner is in conflict in law but he is in Juvenile Home since 05.02.2024. Father of the petitioner, who is the natural



guardian, is ready to keep the petitioner in his guardianship and he will not fall in the company of anti social elements. According to the counsel, the learned Court below has not considered the law with regard to the privilege under the Act.

5 Considering the above facts and further considering the fact that father of the petitioner, who is the natural guardian, is ready to keep the petitioner in his guardianship and also undertake that petitioner will not fall in the company of any anti social elements, this application is allowed.

6 Let the petitioner 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 JJB, Siwan in JE No 85 of 2024 arising out of Barhariya PS Case No 35 of 2024 subject to the following conditions:

(i) That one of the bailors should be the father of the petitioner, and

(ii) That the father of the petitioner shall file an affidavit before the concerned Court below, 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)

M.E.H./-

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