

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3423 of 2024

Arising Out of PS. Case No.-321 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Adarsh Prasad Kushwaha @ Adarsh Kumar S/o Chandrama Prasad
Kushwaha @ Chandrama Prasad R/o Village-Banwa Tola, P.S.-Kuchaikote,
District-Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Shashi Kumari D/o Suneli Manjhi R/o Village Narayanpur, P.S.-Kuchaikote,
District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Maurya
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

3 04-09-2024 Heard.

2 This appeal has been preferred by the appellant (juvenile) being aggrieved with the order dated 12.06.2024 passed by the learned Additional Sessions Judge I -cum- Special Judge, Juvenile Act, Gopalganj in Special Case No 20 of 2023, JE Case No 455 of 2023 arising out of Kuchaikore PS Case No 321 of 2023 dated 26.06.2023 whereby the prayer for bail of the appellant has been rejected.

3 In this case, the victim is a girl aged about 19 years and is a student of Intermediate. On 26.06.2023, she lodged the FIR alleging therein that on 19.06.2023 at about 9 am, she proceeded for coaching center by cycle. When she reached near



the coaching center, the present petitioner and one another co-accused stopped her and put smelled handkerchief on her mouth due to that she became unconscious. After sometime, when she opened her eyes, she found herself in a four wheeler. When she tried to raise alarm, again she was smelled with handkerchief and she again became unconscious. When she gained her consciousness, she found her in a closed room. When she knocked the door then a lady opened the door and gave her some money for hiring tempo to the way of station. She reached the station and called her mother and father. Allegedly, after kidnapping her, the present appellant and other co-accused persons committed forcible sexual intercourse with her also. On the basis of said complaint, FIR has been registered under Sections 366, 376 (D) of the IPC and Sections 3 (1) (w), 3 (1) (v) of the SC/ST (POA) Act. During the course of investigation, th appellant has been taken in custody on 28.06.2023.

4 The appellant filed an application for grant of bail before the learned Special Court but the learned Special Court, vide impugned order dated 12.06.2024, rejected the same. Hence, this appeal has been preferred by the appellant.

5 Learned counsel for the appellant would submit that the appellant has been falsely implicated in this case due to



some previous dispute with the victim girl. The incident appears to be doubtful and the medical report of the victim girl also does not support the case of the prosecution. Lastly, he submits that the appellant is a minor boy and is in the Observation Home since 28.06.2023. Charge sheet has already been filed and there is no possibility of early disposal of the criminal trial. Social investigation report also does not suggest anything against the appellant. Therefore, it is prayed that the appellant be granted the benefit of bail.

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

7 Considering the submission of the counsel and further considering the fact that the appellant is in custody since 28.06.2023, the appellant is granted the privilege of bail.

8 Accordingly, this appeal is allowed.

9 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 Special Judge, Juvenile Act -cum- learned Additional Sessions Judge I, Gopalganj in Special Case No 20 of 2023 arising out of Kuchaikote PS Case No 321 of 2023 subject to the following conditions:



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

(ii) That the father of the appellant shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the appellant on bail, he will take proper care of the appellant and will not allow him to fall into bad company.

(Arvind Singh Chandel, J)

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