

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3721 of 2023**

Arising Out of PS. Case No.-418 Year-2022 Thana- BHORE District- Gopalganj

XXXX SON OF XXXX RESIDENT OF VILLAGE- LUHUSI, PS- BHOR,
DISTT- GOPALGANJ, UNDER THE GUARDIANSHIP OF NATURAL
MOTHER NAMELY XXXX, WIFE OF XXXX, RESIDENT OF VILLAGE-
LUHUSI, PS- BHOR, DISTT- GOPALGANJ

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s : Mr. Zeyaul Hoda, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

- 8 02-04-2024 1. Heard learned counsel for the Appellant and
learned APP for the State.
2. The instant appeal has been preferred under Section
101(5) of Juvenile Justice (Care and Protection of Children) Act,
2015 against the Order dated 07.06.2023 passed by the Court of
learned 1st Additional District & Sessions Judge-cum- Special
Judge, Juvenile Court, Gopalganj in connection with Cr. Appeal
No. 08/2023, J.J.B. Trial Case No.-262/2022, arising out of
Bhore P.S. Case No. 418/2022, registered for the offences
punishable under Section 376DA of the Indian Penal Code and
Sections 4 and 6 of the POCSO Act, whereby and whereunder
the appellant's prayer for bail has been rejected.
3. Mr. Dhaneshwar Prasad Gupta, learned counsel



appearing for the appellant submits that though the instant matter relates to the serious offence of gangrape but the appellant was minor at the time of commission of the alleged occurrence and has been declared Juvenile and he has been languishing in Remand Home since 14.12.2022 and the Social Investigation Report is not against him. Learned counsel further submits that the learned trial court rejected the appellant's bail prayer on 07.06.2023 and he was given a liberty to renew his bail prayer after three months from the date of framing of charge but since then no progress has been made in the case of the appellant and even charge has not been framed despite lapse of about ten months.

4. Learned APP for the State has opposed the appeal and submitted that against this appellant there is serious allegation and the matter relates to serious offence of gangrape.

5. Considering the above submissions and mainly taking into account the Social Investigation Report concerned to the appellant and also the fact that the appellant has undergone considerable period in protective custody and there is no progress in his trial and it is very surprising that the learned trial court has not framed charge upon the appellant despite he being in custody and being tried alone and as per Social



Investigation Report, the appellant has not remained involved in any criminal activity in the past and there are parents of the appellant in his family who are ready to take care of him, in my opinion, the appellant deserves to the privilege of bail. 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, Juvenile Court, Gopalganj in connection with Cr. Appeal No. 08/2023, J.J.B. Trial Case No.-262/2022, arising out of Bhore P.S. Case No. 418/2022 **on the following conditions :-**

(i) One of the bailors shall be father/mother of the appellant, who shall file his/her written 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.

(ii) After the gap of every six months during trial period, the learned trial court shall call for a report from the concerned regarding activity and conduct of the appellant relevant to the period after his release 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 him in custody again after cancelling his bail bond.

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

(Shailendra Singh, J)

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