

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4181 of 2024

Arising Out of PS. Case No.-153 Year-2022 Thana- MAHILA P.S. District- Patna

Deo Kumar Son of Sri Baleshwar Manjhi Resident of Village - Madarpur, P.S. Punpun, District - Patna through his father and natural Guardian Sri Baleshwar Manjhi, aged about 55 years, Son of Late Ganauri Manjhi, Resident of Village - Madarpur, P.S. Punpun, District – Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Pappu Mochi Resident of Village - Madarpur, P.S. Punpun, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vaishnavi Singh, Advocate
For the Respondent/s	:	Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 29-11-2024 Heard learned counsel for the petitioner-applicantt and
learned counsel for the State.

2. This appeal has been preferred by the petitioner-applicant (juvenile) being aggrieved with the order dated 20.07.2024 passed by the learned Additional District and Sessions Judge 1st – cum-Special Judge, Children Court, Patna in Special (Child) Case No. 11 of 2024 arising out of Mahila P.S. Case No. 153 of 2022, for the offence under Sections 341, 376, 366A, 506 of the Indian Penal Code and Section 4 of the



POCSO Act, whereby and whereunder, the learned Special Court rejected the prayer for bail of the petitioner-applicant.

3. According to the prosecution case, it is alleged that on 25.12.2022 at about 11:00 PM when the victim girl aged about 14 years went to attend call of nature allegedly present applicant came there and forcibly taken her towards field and he committed sexual intercourse with the victim girl. Immediately, after the incident, on being search, the informant reached on the spot, the victim girl informed her about the incident. Thereafter, the matter was reported by the informant i.e. mother of the victim girl on 26.12.2022. On the basis of said report, offences as mentioned hereinabove have been registered against the petitioner and during course of investigation, he is taken in custody on 27.12.2022 and since then he is in observation home. Thereafter, the present petitioner-applicant preferred an application before learned Special Court (Child) for grant of bail, which was rejected vide impugned order dated 20.07.2024. Hence, this appeal.

4. Learned counsel for the petitioner submits that petitioner-applicant is innocent and has falsely been implicated in the present case due to some rivalry between both the parties. He further submits that medical report of the victim girl is not



supported the case of prosecution, as no injury was found in the private part of the victim girl and only some abrasion were found in the neck and forehead of the victim girl. He further submits that there is no any previous incident of the applicant and Social Investigating Report also does not suggested anything against him. Lastly, he submits that petitioner is in custody since 27.12.2024. Therefore, he may be granted benefit of the bail and appeal may be allowed.

5. Learned counsel for the State as well as learned counsel for the opposite party no.2 vehemently oppose the above argument raised by the learned counsel for the petitioner and submit there is sufficient evidence available on record against the petitioner-applicant. It is further submitted that Social Investigation Report also does not support the petitioner, therefore, this petition may be rejected.

6. Heard learned counsels appearing for both the parties and perused the case diary along with other material available on record.

7. Considering the submission put forward by learned counsel appearing for the parties and further considering the fact that a medical report of the victim girl is not supported the case of the prosecution and lastly, considering the fact that the



petitioner-applicant is in custody since 27.12.2022 and there is no any criminal antecedent against the petitioner, I am of the view that the petitioner-applicant should be granted benefit of bail.

8. Accordingly, the prayer for bail of the petitioner-applicant is allowed. The order dated 20.07.2024 passed by the learned Additional District and Sessions Judge 1st – cum-Special Judge, Children Court, Patna in Special (Child) Case No. 11 of 2024 arising out of Mahila P.S. Case No. 153 of 2022, is hereby, set aside.

9. Let the above named petitioner-applicant be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st – cum-Special Judge, Children Court, Patna in Special (Child) Case No. 11 of 2024 arising out of Mahila P.S. Case No. 153 of 2022, subject to the following conditions:-

(i) that one of the bailors shall be mother of the petitioner-applicant.

(ii) that the father/mother of the petitioner-applicant shall file an affidavit before the learned Additional District and Sessions Judge 1st – cum-Special



Judge, Children Court, Patna giving specific undertaking that after release of the petitioner-applicant on bail, he will take proper care of the petitioner-applicant and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

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