

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4792 of 2023**

Arising Out of PS. Case No.-319 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

XXXXXXXXXX Son of XXXXXXXXXX Aged About 17 Years 11 Month At The  
Time of Occurrence, R/O Barawan, P.S.- Muffasil, District- Nawada Being  
Represented Through His Father Namely XXXXXXXXXX, R/O Barawan, P.S.-  
Muffasil, District- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Vibhuti Ranjan Sonvadra, Adv.  
For the Respondent/s : Mr. Anand Mohan Prasad Mehta, APP

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

6      01-04-2024

1. Heard learned counsels for the parties.

2. This appeal has been preferred under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act against the order dated 30.08.2023 passed by the court of learned Additional District & Sessions Judge-I, Nawada in connection with Children Case No. 01/2023 arising out of Nawada Muffasil P.S. Case No. 319/2019 registered for the offences under sections 341, 323, 448, 376, 504 and 506 of the Indian Penal Code and section 4 of POCSO Act, whereby and whereunder the court concerned rejected the bail prayer of the appellant.

3. Mr. Vibhuti Ranjan Sonvadra, learned counsel for the appellant submits that the appellant has been declared



juvenile and at the time of commission of the alleged occurrence, his age was 17 years and 11 months and he has been languishing in remand home since 25.06.2022. Learned counsel further submits that the allegation of rape as made by victim's father in the FIR has been falsified by the medical expert's opinion who examined the victim just two days after the commission of the alleged occurrence as no supporting material to the alleged occurrence of rape was found. Learned counsel further submits that on the same day of occurrence, a dispute regarding payment of money of eggs had arisen in between the appellant and the victim's father which was the main reason to lodge a false case against the appellant. Learned counsel further submits that the social investigation report is not against the appellant and he has clean past history.

4. Mr. Anand Mohan Prasad Mehta, learned APP for the State has opposed the bail prayer of the appellant.

5. Considering the above submissions and mainly taking into account the social investigation report concerned to the appellant which goes in favour of his prayer, and also, his custody period which is sufficient to keep him under protection, this Court is inclined to accept his bail prayer. 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 Additional District & Sessions Judge-I, Nawada.

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

**(Shailendra Singh, J)**

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