

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5305 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- MAHILA P.S. District- Nawada

XXXXXXXX S/o XXXXXXXX R/o vill - Dhopathar, P.S. - Parnadabar, Distt. -
Nawada, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushma Kumari D/o Bhuwneshwar Manjhi R/o vill - Sirsiyan Tad, P.S. -
Parnadabar, Distt. - Nawada, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Sinha, Adv. Mr. Priyajeet Pandey, Adv. Ms. Megha, Adv.
For the Respondent/s	:	Ms. Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 02-04-2024

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 21.09.2023 passed by the court of learned Additional Sessions Judge-I, Nawada in connection with Children Case No. 04/2023 arising out of Mahila P.S. Case No. 14/2023 registered for the offences under sections 376 and 506 of the Indian Penal Code, under section 4 of POCSO Act and under sections 3(1)(r)(s)(w) and 3(2)(v) of SC/ST (POA) Act whereby and whereunder the court concerned rejected the bail prayer of the appellant.

3. Mr. Rajesh Kumar Sinha, learned counsel for the



appellant submits that the appellant has been declared juvenile and is being tried before the Children court and his age was 16 years and 9 months at the time of commission of the alleged occurrence and he has been under observation in remand home since 05.05.2023. Learned counsel further submits that the social investigation report is not against the appellant and as per said report, the appellant passed matriculation examination with first division and the victim who is stated to be minor remained in relationship with this appellant on account of having love affair but later on, they could not solemnize their marriage and thereafter, the FIR was lodged with an intention to create pressure upon the appellant.

4. Ms. Abha Singh, learned APP for the State has opposed the bail prayer of the appellant.

5. The respondent no. 2 has not appeared before this Court despite notice has been validly served upon her as per office report.

6. Considering the above submissions and mainly taking into account the social investigation report which is not against the appellant and he has spent sufficient period in protective custody, 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 Additional Sessions Judge-I, Nawada in connection with Children Case No. 04/2023 arising out of Mahila P.S. Case No. 14/2023.

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

(Shailendra Singh, J)

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