

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2211 of 2025**

Arising Out of PS. Case No.-119 Year-2024 Thana- BAGHA District- West Champaran

‘XX’

... .. Appellant

Versus

1. The State of Bihar.
2. X W/o Rajesh Chaudhary R/o vill - Goriyapatti, Ward no. 25, P.S.- Bagaha, Distt.- West Champaran.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 01-08-2025

Heard Mr. Bimlesh Kumar Pandey, learned Advocate for the appellant and Mr. Ramchandra Singh, learned Additional Public Prosecutor for the State.

2. Though, the appellant has given full description in the appeal, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. He is being referred to in the cause title as “XX”.

3. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner

4. The appellant has filed the present appeal under Section 101(5) of the Juvenile Justice (Care and Protection of



Children) Act, 2015 (for short 'The Act, 2015') challenging the order dated 07.05.2025 passed by the learned District & Additional Sessions Judge-I-cum-Special Judge (Children Court), Bettiah, West Champaran in connection with Special Case No. 15 of 2024 arising out of Bagaha P.S. Case No. 119 of 2024 dated 28.03.2024 registered under Sections 376 and 315/34 of the Indian Penal Code and Sections 4 and 17 of Protection of Children from Sexual Offences Act, 2012 whereby the application for bail of the appellant, who is in custody since 28.03.2024 was rejected.

5. Earlier, the appellant-petitioner had come before this Court in Cr. Misc. No.34187 of 2024 for grant of bail in connection with the present case; however, considering the specific nature of accusation as also the statement of the victim recorded under Section 164 of the CrPC., his prayer for bail stood negated by this Court vide order dated 26.07.2024.

6. During the course of investigation, the appellant claimed himself to be a juvenile and accordingly his case was sent before the Juvenile Justice Board, Bettiah.

7. Upon examination of testimonial produced by the appellant and the medical report, the Juvenile Justice Board, Bettiah determined the age of the appellant as 17 years 8 months



and 28 days on 02.02.2024, the date on which occurrence had taken place. Accordingly, vide order dated 05.09.2024 passed by the Juvenile Justice Board, Bettiah, the appellant was declared juvenile in conflict with law. Accordingly, the Board transferred the entire record of the case to the Special Judge (Children Court), Bettiah, West Champaran.

8. Mr. Bimlesh Kumar Pandey, learned Advocate for the appellant submitted that during the trial, the victim was examined as P.W.1; however, she did not support the prosecution case and has categorically stated that her statement recorded under Section 164 CrPC. was based on the instruction(s) of the police. The informant as well as the father of the victim were also examined by the Trial Court; however, both of them did not support the prosecution story. He further contended that now the appellant has been declared juvenile and he is in observation home since 28.03.2024. He undertakes that he will fully cooperate in the trial and remain present on each and every date without there being any fault.

9. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail of the appellant and submitted that the statement of the victim recorded under Section 164 CrPC. clearly suggests as to how



she was sexually exploited at the hands of the appellant. He further contended that, *prima facie*, it appears that the victim and her parents have been gained over.

10. Having heard the learned counsel for the parties and considering the deposition of the victim and the informant, coupled with the medical report as also the mandate of the learned Division Bench of this Court in the case of **Lalu Kumar & Ors. vs. The State of Bihar & Ors.**[2019(4) PLJR 833] that “*seriousness and gravity of the offence alleged cannot be made a ground for rejecting bail under the Act of 2015*” the appellant is directed to 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 learned District & Additional Sessions Judge-I-cum-Special Judge (Children Court), Bettiah, West Champaran in connection with Special Case No. 15 of 2024 arising out of Bagaha P.S. Case No. 119 of 2024, subject to the condition that one of the bailors will be father/mother of the appellant who will file an affidavit giving an undertaking to the effect that he will take proper care of good behaviour and child’s (appellant’s) well being and will not allow him to go in the company of bad elements.

11. Accordingly, the impugned order dated 07.05.2025



passed by the learned District & Additional Sessions Judge-I-cum-Special Judge (Children Court), Bettiah, West Champaran in connection with Special Case No. 15 of 2024 arising out of Bagaha P.S. Case No. 119 of 2024, is set aside.

12. The appeal stands allowed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04-08-2025
Transmission Date	

