

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2623 of 2025
In
CRIMINAL REVISION No.99 of 2025

Arising Out of PS. Case No.-177 Year-2024 Thana- SURYAPURA District- Rohtas

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Gautam Kumar Son of Raju Kumar @ Raju Singh Resident of Village - Kawai, P.O.- Emirita, P.S.- Suryapura, District - Rohtas, under guardianship of father Raju Kumar @ Raju Singh, Son of Vaiyaram Singh, Resident of Village - Kewai, P.S.- Suryapur, District - Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Gayatri Devi Wife of Shivshankar Ram Resident of Village - Chawariya, P.O.- Emirita, P.S.- Suryapura, District - Rohtas

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 01-11-2025

Heard the parties.

2. The present application has been filed against the order dated 13.12.2024 passed by the learned 1st Additional Sessions Judge cum Special Judge, Children Court, Rohtas at Sasaram in connection with G.R. No. 09 of 2024 arising out of Suryapura P.S. Case No. 177 of 2024 registered under Sections 354-B, 447, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C/S.T. Act and later added Section 376 of the Indian Penal Code and Section 4/6 of POCSO Act by which the prayer for bail of the appellant has been rejected.

3. As per the prosecution case, the appellant is alleged to have committed rape upon the victim.

4. Learned counsel for the appellant has submitted that the appellant has been held to be juvenile and on the date of



occurrence he has been assessed to be less than eighteen years.

5. Learned counsel for the appellant further relies upon the provisions of the Section 3(i), (iv), (v) and (xiv) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He also relies upon Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and has submitted that bail is a rule and denial of bail to a juvenile is an exception.

6. He further submits that though the appellant is a child in conflict with law but he has remained in jail since 31.07.2024 and the Court below has not considered the law with regard to the release of juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015.

7. Learned counsel for the appellant further submits that family members of the appellant including the father of the appellant will take care of the appellant so that he may not do any further crime and he may not remain in the company of the criminals.

8. Considering the aforesaid facts, this application is allowed and order dated 13.12.2024 passed by the learned 1st Additional Sessions Judge cum Special Judge, Children Court, Rohtas at Sasaram in connection with G.R. No. 09 of 2024 arising out of Suryapura P.S. Case No. 177 of 2024 is hereby set



aside.

9. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge Cum Special Judge, Children Court, Rohtas at Sasaram/concerned Court below in connection with G.R. No. 09 of 2024 arising out of Suryapura P.S. Case No. 177 of 2024 subject to the following conditions:-

(i) that one of the bailors should be the father of the appellant.

(ii) that the father of the appellant shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the appellant on bail, he will take proper care of the appellant and will not allow him to fall into bad company.

(iii) The appellant will co-operate in the trial in the Children Court. He will appear personally or through his lawyer. Any default in the same will result in the cancellation of the bail bonds of the appellant.

(Sandeep Kumar, J)

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