

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4471 of 2024**  
**In**  
**CRIMINAL REVISION No.491 of 2024**

Arising Out of PS. Case No.-321 Year-2023 Thana- PHULPARAS District- Madhubani

Sumit Kumar Singh @ Sumit Singh Son of Kameshwar Singh R/O Vill.- Baika, P.S.- Phulparas, Dist.- Madhubani. Under the Guardianship of His Father Namely Kameshwar Singh, Son of Raghu Singh, R/O Baika, P.S.- Phulparas, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Jha Son of Badri Jha R/O Vill.- Baika, P.O.- Vishanpur, P.S.- Phulparas, Dist.- Madhubani.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                 |
|----------------------|---|-------------------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Gagandeo Yadav, Advocate<br>Mr. Ravi Prakash, Advocate<br>Mr. Udeshya Kumar Yadav, Advocate |
| For the Respondent/s | : | Mr. Mukeshwar Dayal, APP                                                                        |

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

719-04-2025

This is an appeal filed by the appellant under the guardianship of his father Kameshwar Singh assailing the judgment and order of rejection of bail passed in E.N. No. 1400 of 2024 by the learned Special Judge Children Court at Madhubani *vide* order dated 16.05.2024.

2. It is contended on behalf of the appellant that the appellant was a minor, aged about seventeen years four months and twenty-eight days. Initially, a case was registered against the appellant under Section 363/366(A) of the I.P.C., when the minor daughter of the informant was missing. Subsequently, a

penal provision of Section 376 and Section 8 of the POCSO Act was added.

3. The learned lower appellate court dismissed the criminal appeal on the ground that the accused is on the verge of his majority, he has sufficient understanding of the consequences of the offence and the nature of the offence is grave and heinous. He also held that Social Investigation Report submitted by the Probationary Officer goes against him.

4. Learned APP has raised serious objection against the prayer for bail.

5. I have carefully perused the materials on record, except on the ground of minority, there is no other ground pleaded by the appellant in support of his claim for setting aside the order of the lower appellate court. It is unfortunate to note that a boy of seventeen years and four months committed rape upon a minor girl taking her away from the custody of her parents.

6. The victim made a confessional statement before the learned Magistrate implicating the accused as the CIOL, as the perpetrator of offence.

7. Considering the facts and circumstances of this case, this Court is not inclined to grant bail to the appellant. In

view of the fact that this is one of the most heinous offence committed against the victim who is also a minor, prayer for bail is thus rejected.

**(Bibek Chaudhuri, J)**

aditya/-

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