

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5282 of 2024
In
CRIMINAL MISCELLANEOUS No.73918 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- NAVINAGAR District- Aurangabad

XX (CICL), aged about 17 years, M, Son of Sanjay Singh, Resident of village- Jhari, P.S.- Tandawa, Distt.- Aurangabad, through father, natural guardian Sanjay Singh, S/O Ramashry Singh, Resident of village- Jhari, P.S.- Tandawa, Distt.- Aurangabad.

... .. Appellant

Versus

1. The State of Bihar.
2. Urmila Devi, Wife of Abhay Kumar Singh, R/O Nabi Nagar, Behind Gas Godown, P.S.- Nabinagar, Dist.- Aurangabad.

... .. Respondents

Appearance :	
For the Appellant	: Mr. N. K. Agrawal, Sr. Advocate, Mr. Amresh Kumar Sinha, Advocate, Mr. Saroj Kumar Chaudhary, Advocate and Mr. Dewanand Tiwari, Advocate
For the Respondent No. 2	:Mr. Sharda Nand Mishra, Advocate
For the State	:Mrs.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

405-02-2025

Heard learned senior counsel for the appellant, learned counsel for the respondent no. 2 and learned Spl. P.P. 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. This Criminal Appeal has been preferred by the appellant against the order dated 30.08.2024, passed by learned Ist Additional District and Sessions Judge, Aurangabad in R.B.P. No. 761 of 2024, in connection with J.J.B. 1282 of 2024, C.C. 11/24, arising out of Nabinagar P.S. Case No. 162 of 2024, registered for the offences punishable under Sections 363, 366A read with Section 34 of the I.P.C., and Sections 8, 12 of the POCSO Act. Later on, Sections 376D, 302, 201, 120B read with Section 34 of the I.P.C. and Sections 4 and 6 of the POCSO Act. Were also added, whereby the learned Ist Additional District and Sessions Judge, Aurangabad, has been pleased to reject the application filed by the appellant for grant of regular bail.

5. As per the prosecution case, on 11.06.2024 at about 6.45 A.M., the victim went out from her house by saying that she was going to ‘Premier Coaching’ but she did not return. On search of mobile details, her chatting and calls were seen with the appellant. The victim was also in repeated contact with her



friend Shruti Kumari. When the informant tried to contact the mother of Shruti Kumari, she did not attend the call. The informant got suspicious about the involvement of the appellant, Shruti Kumari and the mother of Shruti Kumari in the kidnapping of the victim.

6. Learned senior counsel for the appellant submits that the appellant has falsely been implicated in the present case. It is further submitted that from perusal of the F.I.R., it would be apparent that merely on the basis of chatting on mobile, the informant raised suspicion against the appellant and has falsely implicated in the present case. It is further submitted that during entire investigation, except confessional statement, there is no substantive evidence to suggest the implication of the appellant in the present case. The informant has given the age of the victim to be 16 years but in postmortem report, the age of the dead body has been assessed to be 24 years and cause of death has been shown to be drowning. The appellant is a student and he has no concern with the alleged offence. It is further submitted that other co-accused persons Rakesh Kumar and Anita Devi have already been granted bail vide Cr. Misc. No. 57911 of 2024 under order dated 07.10.2024 and Cr. Misc. No. 59953 of 2024 under order dated 05.10.2024 respectively by a



Bench of this Court. The appellant has clean antecedent. The appellant is in Observation Home since 29.07.2024 in this case.

7. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently opposed the prayer for bail of the appellant. It has further been pointed out that the release of the appellant would defeat the ends of justice.

8. As per the social investigation report as well as the social background report, this Court finds that there is no adverse remark against the appellant and further the presumption of innocence of the child cannot be ruled out.

9. Further, a Division Bench of this Court in ***Lalu Kumar and Ors. Vs. State of Bihar [(2019) 4 PLJR 833]***, has held that seriousness and gravity of the offence alleged cannot be made a ground for rejecting bail under the Act of 2015.

10. Accordingly, the order dated 30.08.2024, passed by learned Ist Additional District and Sessions Judge, Aurangabad in R.B.P. No. 761 of 2024 in connection with J.J.B. 1282 of 2024, C.C. 11 of 2024, arising out of Nabinagar P.S. Case No. 162 of 2024, is set aside and the present criminal appeal is allowed.

11. Let the appellant who has already been declared juvenile by the learned Juvenile Justice Board, be released in



favour of his father on execution of bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional District and Sessions Judge, Aurangabad, in R.B.P. No. 761 of 2024 in connection with J.J.B. 1282 of 2024, C.C. 11 of 2024, arising out of Nabinagar P.S. Case No. 162 of 2024 subject to the following conditions:-

(i) Natural guardian/father will furnish an undertaking that upon release on bail the appellant will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the father will ensure that the juvenile will not repeat the offence.

(ii) Natural guardian/father will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive



recreational pursuits.

(iii) The appellant will be produced as and when required by the Juvenile Justice Board and shall co-operate in the trial.

12. Accordingly, the present criminal appeal stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

