

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5413 of 2024

Arising Out of PS. Case No.-103 Year-2019 Thana- PANDARAK District- Patna

Surajbhan Singh @ Suraj Bhan Singh S/O Shambhu Singh R/O Village-
Saidapr, P.O- Kondi, P.S- Pandarak, Distict- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupa Kumari Daughter of Late Makeswar Paswan Village- Langarpur,
Husainganj, PS- Barh, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Niraj Kumar, Advocate
For the State	:	Mr. Zeyaul Hoda, A.P.P.
For Respondent no. 2	:	Mr. Ashok Kumar Kashyap, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-04-2025 Heard learned counsel for the appellant, learned
A.P.P. for of the State and learned counsel appearing on behalf
of Respondent no. 2.

2. This appeal has been filed against the order dated
28.10.2024 passed in a case registered for the offence under
Sections 363, 366, 376(G), 506, 34 of the Indian Penal Code
and Section 3(i)(r)(w) of the SC/ST (POA) Act, whereby the
prayer for bail of appellant has been rejected.

3. As per the prosecution case, the informant met one
Anand Mohan @ Anand Mohan Singh at Bakhtiyarpur Railway
Station and, thereafter relationship developed between them. It
is further alleged that in June, 2019, on the call of said Anand
Mohan, she came at Kaondi and started talking till evening.



During course of the said transaction, he proposed her to marry and took her to a school and made physical relation with her. Soon thereafter, his two friends, namely, Manish Kumar and the appellant came there on a motorcycle. They too indulged in gossip with her in the said school and tried to make physical relation, which was opposed by the informant, on which the co-accused Anand Mohan asked her to fulfil the desire of his friends, otherwise they would make the obscene video viral. Thereafter, said Manish Kumar and the appellant also made physical relation with the informant and video of the occurrence was recorded by co-accused Anand Mohan. Many times, all the accused persons made physical relation with the informant by threatening her to make the video clippings viral and thus, she became pregnant. However, co-accused Anand Mohan refused to marry the informant.

4. Learned counsel for the appellant submits that bail application of the appellant, who is juvenile in conflict with law, has been rejected by the Court below considering the merit, nature and gravity of the offence, which is not in consonance with Juvenile Justice (Care and Protection of Children) Act, 2015 (for short "J.J.Act"). He next submits that appellant has been declared juvenile by the Juvenile Justice Board, vide order



dated 23.11.2023, and determined the age of appellant as 17 years 1 month & 27 days. The appellant is in custody since 02.01.2024, having no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of respondent no. 2 opposed the appeal.

6. Heard learned counsel for the parties. In case of bail to a juvenile in conflict with law, the approach of the Court has to be different. While considering the bail application of juvenile in conflict with law, the Court has to consider following three grounds, mentioned in Section 12 of the J.J.Act:

“(i) Likelihood of association with known criminals,

(ii) Likelihood of moral, physical or psychological danger, and

(iii) Likelihood to defeat ends of justice, rather than searching into merits of case of nature and gravity of allegations.”

7. In this case, the aforesaid grounds were not considered by the learned Court below and the bail application of appellant was rejected on merit.

8. Accordingly, considering the aforesaid facts and circumstances as well as period of custody and clean antecedent, the impugned order dated 28.10.2024 is, hereby, set aside and this appeal is allowed.



9. Let the appellant, as 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 learned Special Judge, Children Court, Patna in connection with Special (Child) Case No. 04 of 2024, arising out of Pandarak P.S. Case No. 103 of 2019, subject to condition that *one of the bailors will be father of the appellant and he would file an affidavit giving an undertaking to the effect that he will take care of good behaviour and child's (appellant) well-being and will not allow him to go in the company of bad elements.*

(Prabhat Kumar Singh, J)

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