

Court of Special Judge (Children Court), Gaya
Juvenile Trial No. 3/2020

18.03.2021 Bail petition dated 07.11.2020 filed on behalf of petitioner CICL Sardar Kumar who is in custody since 15.7.2019 in Bodh-Gaya P.S. Case No. 317/2019 u/s 376(3), 376(DA) of I.P.C. and 4/6 of POCSO Act is pressed by his learned counsel.

It has been submitted on behalf of petitioner that no any anticipatory or regular bail petition on behalf of the petitioner has been filed earlier either before this court or any higher court. The petitioner is quite innocent, he has committed no offence and he has been falsely implicated in this case. There is no criminal antecedent against the petitioner. The petitioner has been declared juvenile on 30.08.2019 by J.J.B., Gaya.

Learned Special P. P. opposed the bail.

As per F.I. R., prosecution case in brief is that on 11.7.2019 at about 20:00 O'clock in the night, the informant-cum-victim aged about 15 years went to attend call of nature out side the house, then accused petitioner Sardar Kumar and co-accused Akhilesh Kumar @ Akhilesh Manjhi came and forcibly took her in a boundary and accused petitioner Sardar Kumar committed rape on her and co-accused Akhilesh Kumar @ Akhilesh Manjhi was catching her hand. She became senseless. Thereafter, accused persons fled away. After regaining her sense, she went to home and narrated the occurrence to her family members.

Having heard the learned counsel for the petitioner as well as the learned Special P.P. for the State and from perusal of the record, it transpires that accused petitioner is named in F.I.R. Allegation against the accused petitioner is that he along with other co-accused namely Akhilesh Kumar @ Akhilesh Manjhi took away the informant from her door into a campus at the midnight forcibly, where accused petitioner Sardar Kumar committed rape on the victim and co-accused Akhilesh Kumar @ Akhilesh Manjhi was assisting him in the occurrence. The Board has assessed the age of CICL petitioner 17 years 3 months and 4 days. The victim-cum-informant in her statement u/s 164 of Cr.P.C. has also corroborated the prosecution case. In his preliminary assessment dated 25.2.2020, the J.J.B., Gaya has found that the CICL is mentally fit and has no any psychological mental disorder and is capable to understand the nature and consequences of the alleged offence and the record of the CICL in this court to be tried as an adult. Medical examination report is available on the record and from perusal of the same, it appears that the

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doctor has found as hymen ruptured and wound on the private part of the victim.

Thus, in view of the above facts and circumstances of the case, it transpires that the offence alleged against the CICL petitioner is heinous in nature and his release on bail would defeat the ends of justice and he also might be exposed to physical and psychological danger by the family member of the victim and criticism by the society.

Thus, in view of the above discussed facts and circumstances of the case and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, bail petition of the petitioner is rejected.

(Dictated)

Sd/-

Additional Sessions Judge Ist, Gaya