

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 211 of 2024

 Chandan Kumar @ Nanhka

..... Appellant

Versus

1. The State of Jharkhand

2. X Informant

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

 For the Appellant : Mr. V.K. Pathak, Advocate

For the State : Mr. Saket Kumar, A.P.P.

For the Informant : Mr. Shubham Kumar, Advocate

06/01.07.2025 This Criminal Appeal has been filed on behalf of the Appellant challenging the order dated 16.07.2024, passed by the learned Additional Sessions Judge-1, Latehar by which prayer for bail made on behalf of the Appellant, namely Chandan Kumar @ Nanhka has been rejected in Misc. Criminal Application No.463 of 2024, affirming the order dated 06.06.2024, passed in Misc. Criminal Application No. 621 of 2024 by the learned Principal Magistrate, Juvenile Justice Board, Latehar by which the prayer for bail made on behalf of the Appellant, namely Chandan Kumar @ Nanhka has been rejected in connection with Spl. POCSO Case No. 08 of 2024 and Children Case No. 08 of 2024, corresponding to Barwadih P.S. Case No. 90 of 2023 initially instituted for the offences under Section 363 of I.P.C. and later on chargesheet had been submitted under Sections 366 (A)/ 376(2) (n)/313 of I.P.C. & Section 4/ 6 of POCSO Act, pending in the Court of learned Principal Magistrate, Juvenile Justice Board, Latehar.

2. As per F.I.R., the appellant is alleged to have enticed the minor daughter of the Informant on 13.11.2023.

3. This order is being passed in presence of the counsel for the parties and father of the appellant and father of the victim girl.

4. Heard Mr. Vishnu Prabhakar Pathak, learned counsel for the appellant and Mr. Saket Kumar, learned A.P.P. and Mr. Shubham Kumar, learned counsel for the Informant.

5. Learned counsel for the appellant has submitted that the impugned orders passed by the learned Additional Sessions Judge-1, Latehar and learned Principal Magistrate, Juvenile Justice Board, Latehar, by which the prayer for bail of the appellant have been rejected are illegal, arbitrary and not sustainable in law. It is submitted that no sign of rape has been found on the victim girl and the police has wrongly submitted chargesheet against the appellant for the offence under Section 364 (A)/ 376 (2)(n) & 313 of I.P.C. and 4/ 6 of POCSO Act.

It is further submitted that father of the appellant, namely Sudama Ram has come before this Court today and has instructed the learned counsel for the appellant to submit that he has no objection if the appellant performs marriage with the victim girl.

It is submitted that even the appellant had instructed his father that he will perform marriage with the victim girl, hence, the appellant may be enlarged on bail.

It is submitted that the father of the appellant, namely Sudama Ram has assured the father of the victim girl, namely Mahendra Ram that the appellant will perform marriage with the victim girl.

It is submitted that the relationship between the appellant and the victim girl was consensual in nature.

It is submitted that the appellant is in custody since 16.11.2023 and hence, he may be enlarged on bail.

It is submitted that gravity of offence is not to be seen in case of a juvenile in the light of provisions of Section 12 of Juvenile Justice (Care and Protection of Children) Act.

6. On the other hand, learned A.P.P. has opposed the prayer for bail.

7. However, learned counsel for the Respondent No. 2 has submitted that he has no objection if the appellant is allowed to be enlarged on bail, subject to the condition that appellant performs marriage with the victim girl.

8. Having heard learned counsel for the parties and on going through the records, it appears that the appellant is alleged to have enticed the minor daughter of the Informant on 13.11.2023.

9. From perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. on 16.11.2023, it would appear that she was having love affairs with the appellant and she, on her own, had gone with the appellant, who had assured her to perform marriage with her and established physical relationship with her with consent.

10. Under the facts and circumstances of the case and in view of the statements made by the learned counsel for the appellant at Bar, the appellant, namely Chandan Kumar @ Nanhka is directed to be released on Provisional Bail for Four (04) months from today, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each in connection with in connection with Spl. POCSO Case No. 08 of 2024 and Children Case No. 08 of 2024, corresponding to Barwadih P.S. Case No. 90 of 2023, to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Latehar on the condition that both the bailors must be the own relative and the juvenile may be handed over in custody of his father, Sudama Ram and the father shall furnish his Aadhar Number and Mobile Number and the Aadhar Number and Mobile Number of the Juvenile before the Court below and shall not tamper with the evidence and threaten the victim girl and her family members and the prosecution witnesses and the father of the appellant shall produce the appellant in the learned Court below as and when required.

11. Put up this case on 11th November, 2025.

(Sanjay Prasad, J.)

s.m.