

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.236 of 2015

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Faij Ahmad @ Faij Alam @ Motu son of Jamil Hassan, under the guardianship of his father Jamil Hassan son of Late Mohammad Hanif, resident of village- Jagmalwa, P.S.- Thawey, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. Ruksar @ Rukhsar @ Jhunni daughter of Jalaluddin, resident of village- Jagmalwa, P.S.- Thawey, District- Gopalganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Respondent/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

3 08-06-2015 Heard learned counsel for the petitioner and the State.

2. By filing this Criminal Revision application petitioner is assailing the order dated 28.01.2015 passed by the Principal Magistrate, Juvenile Justice Board, Gopalganj in J.E. No. 05 of 2015 and the order dated 26.02.2015 passed by the Appellate Authority i.e. 2nd Additional Sessions Judge, Gopalganj in Criminal Appeal No. 09 of 2015/ Registration No. 09 of 2015 refusing his request for grant of bail. I am also not inclined to consider his request for grant of bail in view of the 164 Cr.P.C. statement of the victim girl who has been subjected to sexual intercourse on several occasions on the pretext that petitioner would marry her. She also conceived.

3. It is submitted by the counsel for the petitioner with reference to the matriculation certificate of the petitioner, which has not been annexed with the petition, that on the date of occurrence petitioner was a minor. Such submission of the counsel for the petitioner has to be rejected in view of the fact that petitioner being adult was persuading the victim girl for sexual intercourse on several occasions as also to undergo abortion, which can hardly be the conduct of a minor.

4. In the circumstances, his prayer for bail is rejected.

5. The application stands disposed of directing the Juvenile Justice Board, Gopalganj to get the petitioner examined medically by a Medical Board and to review the finding about his juvenility on the date of occurrence in the light of the report of the Medical Board with reference to Section 49 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2000.

(V.N. Sinha, J.)

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