

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.251 of 2015

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1. Dadan @ Dadan Kr. Rai Minor son of Late Sikindar Rai, under the Guardianship of his elder brother namely, Lalan Rai S/o Late Sikindar Rai, resident of village- Baidyanathpur, P.S.- Chiraiya, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Adv.

For the Respondent/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-06-2015 Heard Mr. Sunil Kumar No.3, learned counsel for the petitioner and learned counsel for the State.

This criminal revision is directed against the order dated 12.9.2013 passed by the 4th Additional Sessions Judge, East Champaran at Motihari in Cr. Appeal No. 60 of 2013/38 of 2013 whereby the appellate court while dismissing the appeal has confirmed the order dated 27.6.2013 passed by the Juvenile Justice Board, East Champaran at Motihari rejecting the prayer of bail of the petitioner in a case arising from Chiraiya P.S. Case No. 53 of 2013, Trial No. 679 of 2013.

The petitioner along with one other has been charged with committing sexual assault on a minor daughter of the informant aged about 2 and ½ years. As the medical report also confirmed

the allegation that the prayer of this petitioner along with other accused was rejected by this Court vide order passed on 7.2.2014 in Cr. Revision No. 1201 of 2013 and has been renewed by way of the present application.

Mr. Kumar learned counsel for the petitioner submits that of the three years custodial period under the Juvenile Justice (Care and Protection of Children) Act, 2000 the petitioner has already suffered incarceration since 25.2.2013 i.e. almost two years and four months.

Having heard learned counsel for the parties and taking note of the circumstances existing, let the petitioner namely, Dadan Alias Dadan Kumar Rai be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Principal Magistrate, Juvenile Justice Board, East Champaran at Motihari in connection with Trial No. 679 of 2013 arising out of Chiraiya P.S. Case No.53 of 2013 subject to the following conditions:-

- (a) That the brother of the petitioner shall ensure presence of the petitioner on the 1st working day of each month before the Juvenile Justice Board, East Champaran at Motihari as a confirmation of his good conduct and also to ensure that the petitioner does not get involved in any further case of criminal

nature and shall continue to do so until the conclusion of the trial.

(b) The brother of the petitioner shall also ensure the representation of the petitioner during the entire course of trial.

(c) Any violation of the conditions aforementioned, would entitle the Juvenile Justice Board, East Champaran at Motihari to cancel the bail bonds of the petitioner and take him into custody.

This criminal revision application is accordingly allowed.

(Jyoti Saran, J)

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