

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.282 of 2016

Arising Out of PS.Case No. -68 Year- 2015 Thana -Laukariya District- WEST CHAMPARAN (BETTIAH)

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Anil Bhuiya, S/o Paras Bhuiya, resident of Village- Barba Khurd, P.S.- Laukariya, District- West Champaran, under the Guardianship of his father namely Paras Bhuiya, s/o Late Shiv Narayan Bhuiya, resident of Village- Barba Khurd P.S.- Laukariya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Adv.

For the Respondent/s : Mr. Shailendra Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-10-2016

The present revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, (hereinafter referred to as the 'Act of 2000') has been filed by the petitioner against the order dated 16th January, 2016 passed by the learned Sessions Judge, West Champaran, Bettiah in Cr.Appeal No.67 of 2015 whereby he has affirmed the order dated 29th September, 2015 passed by the Juvenile Justice Board, Bettiah in J.J.B. Trial No. 463 of 2015 by which the prayer for bail of the petitioner in connection with Laukariya P.S.Case No. 68 of 2015 registered under Section 376/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act has been rejected.



2. It is contended that for an occurrence of 10th July, 2015 the FIR was instituted on 20th July, 2015 under Section 376/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act. There is no explanation for the undue delay caused in lodging the FIR. It is further contended that the medical report does not corroborate the ocular version of the informant or the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

3. On the other hand, learned counsel for the State has submitted that the allegations made against the petitioner are quite serious. The petitioner is alleged to have ravished a minor girl aged about 15-16 years. However, he concedes that the medical report does not corroborate the allegation of rape.

4. Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and perused the record.

5. The Juvenile Justice Board, Bettiah, West Champaran has rejected the application for bail of the petitioner vide order dated 29th September, 2015 on the ground that though the petitioner has been declared juvenile in conflict of law vide order dated 16th September, 2015, his release would adversely affect his physical and psychological development and it would defeat the ends of justice.

Similarly, the appellate court has rejected the appeal on the ground that the release of the appellant on bail would expose him to moral and psychological danger and would defeat the ends of justice.

6. Admittedly, no social investigation report was called for either from the Probation Officer or from any other authority in respect of the character and social background of the petitioner. It is submitted that although the petitioner has been kept in the Observation Home since 21st July, 2015, the inquiry has not yet begun after taking cognizance of the offence.

7. Regard being had to the facts and circumstances of the case, the impugned order dated 16th January, 2016 passed by the learned Sessions Judge, West Champaran, Bettiah in Cr.Appeal No.67 of 2015 and the order dated 29th September, 2015 passed by the Juvenile Justice Board, Bettiah in J.J.B. Trial No. 463 of 2015 are set aside. The petitioner Anil Bhuiya is directed to be released on bail on furnishing an affidavit by his father that he would look after the interest of the petitioner and would not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner would also be required to furnish a personal bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Bettiah, West Champaran in connection with Laukariya P.S. Case No. 68 of 2015. On furnishing of

such affidavit, bond and sureties, the petitioner shall be released on bail.

8. The revision application stands allowed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	----
Uploading Date	
Transmission Date	