

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.352 of 2016

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Pappu Kumar Rai @ Pappu Kumar, Son of Nabalik Ray@ Naval Kishor Ray, Village – Morsandi, P.S. Motipur, District – Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Gajendra Pd. Yadav(App)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL ORDER

3 25-05-2016

Heard Mr. Sanjay Kumar, learned Counsel, appearing

on behalf of the petitioner, and Mr. Gajendra Prasad Yadav, learned Additional Public Prosecutor, appearing on behalf of the State-respondents.

This Criminal Revision, under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, has been filed for setting aside the judgment and order, dated 17.03.2016, passed by the learned 1st Additional Sessions Judge-cum-Special Judge POCSO, Muzaffarpur, in Criminal Appeal No. 17 of 2016, confirming the order, dated 17.02.2016, passed by the Juvenile Justice Board, Muzaffarpur, in Motipur P.S. Case No. 283 of 2015.

The petitioner is named in the First Information Report, wherein it has been alleged that the daughter of the informant, namely, Chanda Kumari, aged about 14 years, was taken away by the petitioner and other co-accused. The victim girl in her statement, recorded under Section 164 of Criminal Procedure Code, has not stated the name of the present petitioner;

rather, she has stated the name of other co-accused, namely, Ashok having committed rape with her.

Considering the facts and circumstances of the case and materials available on record, it transpires that similarly situated co-accused, namely, Mukund @ Babu Saheb@ Mukund Kumar, has been granted bail by order, dated 05.05.2016, passed, in Criminal Miscellaneous No. 12699 of 2016, by a Bench of this Court and, therefore, the order of learned Additional Sessions Judge, Muzaffarpur, dated, 17.03.2016, passed in Criminal Appeal No. 17 of 2016, confirming the order, dated 17.02.2016, passed by the Juvenile Justice Board, Muzaffarpur, in Motipur P.S. Case No. 283 of 2015, is set aside and the petitioner named-above is directed to be released on bail on execution of bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Muzaffarpur, in connection with Motipur P.S. Case No. 283 of 2015, subject to the condition that out of two sureties, one surety must be executed by one of the parents of the petitioner, who will also give an undertaking to the effect that he/she will take care of the petitioner so that petitioner may not fall in bad association.

sunil/-

(I.A. Ansari, ACJ)

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