

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.765 of 2017

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Dinesh Das, Son of Ram Pratap Das, under the Guardianship of Shiv Dulari Devi (Mother Being Natural Guardian), Wife of Ram Pratap Das, Resident of Village-Basant Pethiya Tola, P.S.-Aurai, District-Muzaffarpur,

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate.

For the Respondent/s : Mr. Chandrasen Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 12-09-2017 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has preferred this revision application against the order dated 16.02.2017 passed by the 1st Additional District & Sessions Judge-cum-Special Judge of POCSO Act, Muzaffarpur in Cr. Appeal No. 93 of 2016 whereby he has refused the prayer for bail of the petitioner upholding the order of the Juvenile Justice Board dated 06.12.2016.

The petitioner is one of the accused in Aurai P.S. Case No. 55 of 2014 registered under Sections 323, 354, 366, 366A and 504 of the Indian Penal Code. Allegation against him is of inducing away minor daughter of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that in fact



petitioner and the girl of the informant were in love relationship, both being minors escaped away but after one and half year since the occurrence, the statement of the girl was recorded. He submits that admittedly, the petitioner was a juvenile so after age determination procedure was declared juvenile by the Juvenile Justice Board on the date of alleged occurrence, but the bail was refused merely on the ground that his father as well as all the family members of the petitioner have been made accused in this case. He further submits that father of the petitioner has been granted regular bail and the mother has been granted anticipatory bail and they have no any other criminal antecedent, so there is no any question of going into the association of known criminals.

It appears that the Juvenile Justice Board as well as the trial court rejected the prayer for bail of the petitioner on the ground that his father is also an accused in this case and there is likelihood to go into the association of known criminals. The fact remains that the petitioner is an accused in a case of enticing away minor daughter of the informant and all family members of the petitioner are made accused except this case, there is no other criminal antecedent of the petitioner and other family members. His father and mother are also on bail. A juvenile in conflict with law should be granted bail unless three exceptions are found



including one of going into the association with known criminals, but neither the petitioner nor his other family members have got no criminal antecedent, except the present one so the reason assigned by the Juvenile Justice Board as well as the trial Court for rejecting the bail of the petitioner is not correct.

Therefore, the petitioner namely Dinesh Das is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Muzaffarpur in connection with Aurai P.S. Case No. 55 of 2014, the mother of the petitioner will file an undertaking to keep her son in proper care so may not indulge in any criminal activity.

(Arun Kumar, J)

Sujit/-

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