

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1229 of 2016

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1. Amit Kumar @ Raja son of Pramod Kumar Singh @ Pramod Yadav Resident of Village- Baliyari, Police Station- alipur (Tekari), District- Gaya under the guardianship of his father namely Pramod Kumar Singh @ Pramod Yadav, Resident of Village- Baliyari, Police Station- Alipur (Tekari), District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Adv

For the Respondent/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 13-02-2017

The petitioner is accused in Khizarsarai P.S. Case No. 15 of 2016 registered for the offences punishable under Sections-363, 366 and 376 of the Indian Penal Code. He has been declared to be a child in conflict with law. He is aggrieved by an order dated 18.10.2016 passed in Criminal Appeal (Juvenile) No. 84 of 2016, whereby the learned Sessions Judge, Gaya has rejected his appeal against the order of the Juvenile Justice Board refusing to release him on bail.

Learned counsel appearing on behalf of the petitioner has drawn my attention to the FIR and statement of the victim recorded under Section 164 of the Cr. P.C to make two submissions. He firstly submits that there is mention at the bottom of the FIR that



the victim was married. Referring to the statement of the victim under Section 164 of the Cr. P.C, learned counsel for the petitioner has submitted that his implication for commission of offence punishable under Section-376 of the Indian Penal Code is not justified. He has further submitted that the J. J. Board and the learned court below have just done the formality of recording in their order that if the petitioner was to be released on bail, he shall fall in association with known criminals and it will defeat the interest of justice.

Learned counsel appearing on behalf of the petitioner appears to be right in his submission.

Considering the nature of accusation made in the First Information Report read with the statement of victim recorded under Section 164 of the Cr.P.C and further, considering the nature of offences alleged against the petitioner, I do not find any material to be there on record on the basis of which learned court below has recorded that his release will bring him into association with known criminals. This criminal revision application is allowed. The order, dated 18.10.2016, passed by the Sessions Judge, Gaya, is set aside.

Let the petitioner be released on bail on furnishing an affidavit by his father to the effect that he will look after the interest of the petitioner and will not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner will also be



required to furnish personal bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gaya, in connection with Khizarsarai P.S. Case No. 15 of 2016. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

