

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1203 of 2016

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Raushan Kumar @ Raushan Raj son of Upendra Yadav, resident of village-Pirkha Sarai, Police Station-Khizarsarai, District-Gaya under the guardianship of his father namely Upendra Yadav son of late Janki Yadav, resident of village Pirkha Sarai, Police Station Khizarsarai, District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite party.

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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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 26.10.2016 passed in Criminal Appeal (Juvenile) No. 91 of 2016, whereby the learned District & 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 it is mentioned at the bottom of the FIR registered on the basis of the statement of brother of the victim that the victim was married whereas victim in her statement has alleged



that the petitioner established physical relationship on false assurance of marriageing her. 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 wholly unjustified. He has further submitted that the Board and the learned court below have just done the formality of recording in their order that if the petitioner is to be released on bail, he shall fall in association with known criminals and it will defeat the ends of justice without any basis.

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 on the basis of which learned court below has recorded that his release will bring him into association with known criminals. The criminal revision application is allowed and the impugned order is set aside.

(Chakradhari Sharan Singh, J)

Ranjan/-

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Transmission Date	

