

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.277 of 2018

Arising Out of PS. Case No.-206 Year-2017 Thana- BAKHRI District- Begusarai

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Sintu Kumar Son of Ram Narayan Das Resident of Village- Sakarpura,
Police Station- Bakhri, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Respondent/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-12-2018 Heard the parties.

This revision application is directed against the judgment dated 27.11.2017 passed by the District and Sessions Judge, Begusarai in Criminal Appeal No.103 of 2017 by which he has dismissed the appeal and affirmed the order of the Juvenile Justice Board (herein after to be referred as ‘the J.J.B.’) dated 11.10.2017 passed in J.J.B. Case No.105 of 2017 by which he had rejected the prayer for bail of the petitioner.

The case in short is that the petitioner used to come along with his friends for photography in the house of the informant and one day the daughter of the informant was found traceless and they apprehends that the petitioner has kidnapped her.



It appears that the petitioner was arrested and statement of the girl has been recorded under Section 164 Cr.P.C. in which she has named the petitioner and also stated that he had made physical relation with the daughter of the informant and the petitioner was arrested and he claims himself to be juvenile and his age was assessed by the J.J.B. and found him to be juvenile, as such the petitioner prayed for bail before the J.J.B., which was rejected by the learned J.J.B. vide order dated 11.10.2017 passed in J.J.B. Case No.105 of 2017 against which the petitioner preferred Criminal Appeal No.103 of 2017 which was also dismissed by the judgment dated 27.11.2017 and the order of the J.J.B. was affirmed.

Being aggrieved by the same, the present revision application has been filed on the ground that there was love affair between the parties which will appear from the statement of the girl itself as she has stated that she had moved with the petitioner from village to village and the neighbours raised *hulla*. The age of the girl was assessed 15-17 years old by the medical board.

In such a situation the victim being consensual party can not be ruled and the petitioner is in custody since 11.10.2017. It is further submitted that the learned Appellate



court has failed to appreciate the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter to be referred as 'the Act, 2015').

Heard learned APP.

Having heard both sides and in view of the facts and circumstances as stated above, no doubt the victim is minor but the petitioner is also juvenile and there is no report available on the record to show that there is chance of his mixing with the known criminals and apprehension of physical, moral and psychological danger to the society.

In such view of the matter, this revision application is allowed and let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10/- (TenThousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Begusarai in connection with J.J.B. Case No.105 of 2017 arising out of Bakhri P.S.Case no.206 of 2017.

(Vinod Kumar Sinha, J)

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