

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.543 of 2018

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Ravi Shek Anand @ Karu S/o Ranjay Kumar Singh, R/o Vill.- Bindi , P.S.-
Rajaman Distt.- Banka through legal Guardian namely Ranjan, Distt.-
Banka through legal Guradian namely Ranjay Kumar Singh, S/o
Bhuneshwar Prasad Singh R/o Vill.- Bindi, P.S.- Rajaman, Distt.- Banka.

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 09-10-2018 This revision application has been filed against the order dated 20.4.2018 passed by learned 1st Additional Sessions Judge, Banka in Cr. Appeal No. 6 of 2015, arising out of Mahila P.S.Case No. 2 of 2018, G.R.No. 94 of 2018, by which he has affirmed the order dated 15.2.2018 passed by learned Juvenile Justice Board, Banka rejecting prayer for bail of the petitioner.

Prosecution case, in short, is that on 18.8.2017 at 9 PM all of a sudden petitioner came and closed the mouth of informant Ashu Kumari and at the point of gun he committed rape upon her. Further allegation is that the petitioner has made vedeography and photography and threatened her not to disclose the story otherwise the photo will be viral and due to prestige the informant did not disclose the same and later on the petitioner has continued to sexually assaulted her and even after the marriage of the informant the petitioner has viral the photo and she disclosed her age as 22



years.

During pendency of the case the petitioner has moved before Juvenile Justice Board for determination of his age as he claimed to be juvenile and the Juvenile Justice Board after enquiry has assessed the age of the petitioner as 14 years 7 months 13 days vide order dated 26.3.2018, which is Annexure-2 to the petition. It also appears that thereafter the petitioner has moved for bail before the Juvenile Justice Board which was rejected vide order dated 15.2.2018 (Annexure-3), on the ground that allegation is serious in nature and he is not a student of any school and as such in absence of any proper look after by his family members there is chance of coming into the bad contacts and local persons are also aggrieved by his act. The aforesaid order has been challenged by the petitioner in Cr.Appeal No. 6 of 2018 which was also dismissed vide order dated 20.4.2018 on the ground that allegation is serious and social investigation report shows that he is in contact of bad association and his release will defeat the ends of justice. Being aggrieved by the aforesaid order, the present revision application has been preferred by the petitioner on the ground that both the learned JJB and appellate court have failed to consider that the petitioner is aged 14 years 11 months 13 days, whereas the lady is aged 22 years and independent witness during investigation has not supported the prosecution in view of the fact that there is no videography or photography is available in the case



diary and only allegation has been made against the petitioner and he is in custody for eight months and on those grounds the judgment of appellate court as well as order of JJB is bad in law and not sustainable in the eye of law.

Heard learned APP and learned counsel for the informant. They have opposed the prayer for bail on the ground that allegation is serious in nature and there is allegation of his coming into contact of bad elements and as such the prayer for bail has rightly been rejected by JJB and appellate court and the same does not require any interference by this Court.

Having heard the parties and on perusal of the record it appears that against the order declaring the petitioner as juvenile was challenged by the petitioner before the District and Sessions Judge in appeal and that criminal appeal was also dismissed by learned Sessions Judge vide order dated 14.9.2018 and as such the petitioner is juvenile aged 14 years 7 months 13 days and the same has been affirmed by the appellate court also. So far allegation is concerned, there is allegation that on the point of pistol the petitioner has committed rape a lady aged 22 years and also made viral the videography and photography. However, in the case diary witnesses have stated that she had love affair with the petitioner but she was later on married with some other person and when her husband and family members came to know about the same the marriage was dissolved, which will appear from paragraphs 9 and



10 of the case diary. It also disclosed that the prosecutrix after dissolving her marriage tried to make contact with the petitioner and due to which petitioner has been made accused in this case. Apart from that, no videography or photograph is available in the case diary.

Considering the aforesaid facts and circumstances of the case, this revision application is allowed. The impugned judgment of appellate court and order of JJB are set aside.

The petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Banka, in connection with Mahila P.S.Case No. 2 of 2018, G.R.No. 94 of 2018, subject to the condition that one of the bailors shall be the father of the petitioner and further during pendency of the case petitioner shall be under supervision of Probation Officer, who will watch conduct of the petitioner.

(Vinod Kumar Sinha, J)

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