

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.754 of 2018

Arising Out of PS. Case No.-162 Year-2017 Thana- GOPALPUR District- Patna

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Sanoj Kumar @ Sanjay Kumar S/o Mahesh Yadav @ Kanchan Rai @
Chanchal Rai, R/o Vill.- Sirpatpur, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 28-08-2018

The age of the petitioner has been assessed to be between 15 and 16 years. He has been made accused in connection with Gopalpur P.S. Case No. 162 of 2017 (J.J.B Case No. 518 of 2017), which has been instituted for the offences under Sections 376 / 511 of the I.P.C.; Sections 7 and 8 of the POCSO Act, 2012; and Section 3 (I) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The prayer for being released from the remand home where he has been lodged in connection with the aforesaid case from 04.09.2017 was refused by the Juvenile Justice Board, Patna, as also by the Appellate Court / Child Court by order dated 01.05.2018 passed in Criminal Appeal No. 4 of 2018, arising out of Special Child Case No. 9 of 2018.



The case of the petitioner, as it appears from the impugned orders, has been referred to the Child Court after assessment of the petitioner under the provisions of Section 15 of Juvenile Justice (Care and Protection) Act, 2016.

There is nothing on record to suggest that the petitioner shall fall in bad company, if released from the remand home. The only reason why the Appellate Court has refused to release him is that on an earlier occasion, he had run away from the remand home.

The petitioner is said to have made the daughter of the informant fall in a pool of mud with the intention of taking undue advantage of her being deaf and dumb.

Learned counsel for the petitioner has submitted that from the narration made in the F.I.R. itself, it would appear that the prosecution of the petitioner is on the mistaken notion of the informant. In fact, the victim who is a deaf and dumb girl, fell down after slipping and the petitioner was only trying to help her stand up. This was seen by the informant from a distance and she unfortunately got an impression that the petitioner was eve-teasing her.

Regard being had to the nature of accusation; the period for which the petitioner has remained in the



remand home; and there being nothing on record to indicate that the petitioner is in bad company, this Court deems it appropriate to direct for release of the petitioner from the remand home.

Let the petitioner above-named is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Child Court, Patna in connection with Gopalpur P.S. Case No. 162 of 2017 (J.J.B Case No. 518 of 2017).

One of the bailors shall be the mother of the petitioner, who at the time of filing his bonds, shall give an undertaking that she shall take good care of her child and in case she finds that the juvenile / petitioner is not responding to her homilies, she shall report the matter straightway to the officer-in-charge of the concerned police station.

(Ashutosh Kumar, J)

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