

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.849 of 2018

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1. Naseem Rain S/o Md. Rahmat @ Md. Rahamtullah, R/o Vill.- Malahi, P.S.- Sursand, District- Sitamarhi through his guardian grandmother, Noor Jahan W/o Late Arjan Rain, R/o Vill.- Malahi, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Informant : Mr. Santosh Kumar
For the Respondent/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-10-2018

This revision application has been preferred against the order dated 27.4.2018 passed by Sri J.J.B., Sitamarhi in Sursand P.S.Case no.284 of 2017 (G.R.No.1261 of 2017) (J.J.N. No.1250 of 2018) and against which the judgment dated 13.6.2018 passed in Cr. Appeal No.13 of 2018 passed by the Ist Additional Sessions Judge-cum-Special Judge, Children Court, Sitamarhi by which he has affirmed the order of the J.J.B. dated 27.4.2018 passed in Cr. J.J.B. No.1250 of 2018 rejecting the prayer for bail of the Juvenile-petitioner.

The prosecution case in short is that while the prosecutrix was cutting grass, the petitioner committed rape upon her and on the basis of that Sursand P.S.Case No.284 of 2017 has



been lodged. It appears that during the pendency of the case, the petitioner claims himself to be juvenile and which was determined by the J.J.B., vide order dated 8.4.2018 and he has found to be aged about 15 years 10 months and 07 days and thereafter the petitioner has moved for bail before the learned trial court, which has been rejected stating that the social investigation report discloses affection of opposite sex thereafter his appeal was also dismissed on the ground of magnitude of the offence.

Being aggrieved by the aforesaid judgment and order, the present revision application has been preferred on the ground that the girl was examined very next day of the occurrence and she was carrying 24 weeks pregnancy as such prosecutrix was pregnant more than six months, which falsify the prosecution story and there is no social investigation report available to show that if the petitioner is released it will expose him of social, moral and psychological danger and he is in remand home for about one year.

On the other hand the learned counsel for the informant has opposed the prayer for bail stating that there is allegation against the petitioner and the girl was minor.

Having heard both sides as stated above, it appears that the medical report shows that the girl was carrying pregnancy of 6



½ months at the time of occurrence and apart from that it appears that the petitioner is in remand home for about one year and the social investigation report does not disclose that if he is released there is chance of his exposure of social moral and psychological danger.

Considering the aforesaid facts and circumstances, this revision application is allowed, impugned judgment of appellate court and impugned order of the J.J.B. are set aside and the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- in connection with Sursand P.S.Case No.284 of 2017 (G.R.No.1261 of 2017) (J.J.N. No.1250 of 2018) with condition that one of the bailor must be his father/mother, who will undertake to protect him from the bad elements and further direction that during the period, he was juvenile he will be under the supervision of the Probation Officer and if anything is found against the petitioner, he will report the same to the learned J.J.B.

(Vinod Kumar Sinha, J)

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