

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.416 of 2018

Arising Out of PS. Case No.-30 Year-2017 Thana- MAHILA PS District- Aurangabad

Sunny Kumar @ Sanjis Kumar, son of Kameshwar Chaudhary, resident of Village- Duggul, P.S.- Kashma, District- Aurangabad (Bihar), under the guardianship of his natural father.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh
For the Respondent/s : Mr. Sri Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 27-08-2018 The petitioner has been made accused in connection with Aurangabad Mahila (Town) P.S. Case No. 30 of 2017 dated 13.08.2017 instituted for the offences under Sections 452 and 376 of the I.P.C. and Section 4 of the POCSO Act, 2012.

The petitioner was declared a juvenile by the Juvenile Justice Board, Aurangabad and his age was assessed to be slightly more than 16 years. Thereafter, the case of the petitioner was assessed in terms of Section 15 of the Juvenile Justice (Care and Protection) Act, 2016 and the Board was of the view that the case of the petitioner was required to be sent to the Child Court for trial as he understood the nature and quality of his act.

However, the prayer for being released from



the remand home where he has been lodged since 04.09.2017 was refused. The appellate court / child court in Cr. Appeal No. 8 of 2018 / 3 of 2018 has affirmed the view of the Juvenile Justice Board, Aurangabad and has rejected the appeal.

Learned counsel for the juvenile petitioner has submitted that from the narration made in the F.I.R. itself, it appears that the prosecution of the petitioner in the present case is because of some ulterior motives. The victim, though, a minor girl has alleged that she was raped by the petitioner and when her sister arrived in the room, the petitioner hid himself beneath the same cot, where the rape had been committed. Thereafter, he ran away from the house. The sister of the prosecutrix has claimed to have seen the petitioner running away from the house.

Learned counsel for the petitioner has submitted that such story does not appear to be correct and the petitioner ought not be kept in custody / remand home for such an offence.

It has further been submitted that the social investigation report of the petitioner clearly reveals that the petitioner comes from a religious family. Prior to the petitioner being made accused in this case, he was not involved in any other case. Even the neighbours have



spoken well of the conduct and behaviour of the petitioner.

The parents of the juvenile petitioner are less educated and are only dependent on the meagre income which they earn from doing the work as casual labourers.

From the records, it appear that the apprehension of the Juvenile Justice Board as also of the Child Court / Appellate Court that there is a possibility of the juvenile petitioner falling in bad company in case he is released from remand home, is not based on any objective finding.

Considering the nature of accusation; the period of which the petitioner has remained in the remand home; and the positive social investigation report, this Court deems it appropriate to direct for the release of the petitioner from the remand home.

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 learned Principal Magistrate, Juvenile Justice Board, Aurangabad in connection with Aurangabad Mahila (Town) P.S. Case No. 30 of 2017.

One of the bailors shall be the father of the



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

(Ashutosh Kumar, J)

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