

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.79 of 2018

=====

Suman Kumar Sahni, Son of Umesh Sahni, resident of
Village- Mahisautha, Dumri Tola, P.S. Nanpur, District-
Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Sri Sanjay Kumar Tiwary 1

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 23-03-2018 A supplementary affidavit has been filed. Let it be
taken on record.

The age of the petitioner/juvenile has been assessed
to be 17 years, 1 month and 6 days on the date of the
occurrence. He has been made accused in connection with
Nanpur P.S. Case No. 41 of 2017 instituted for the offences
under Sections 341, 323, 376, 354, 504, 506 of the Indian
Penal Code.

After the assessment of the age of the
petitioner/juvenile to be more than 16 years and regard
being had to the nature of accusation against him, his case
was transferred to the Child Court, for him to be tried as a
adult.

A prayer for being released from the remand home



was made by the petitioner before the learned Court below which was rejected vide order dated 22.11.2017.

The aforesaid order is under challenge in the present proceeding.

So far as the allegation against the petitioner is concerned, he is said to have committed rape on the informant, who is none-else but his aunt.

Learned counsel for the petitioner has submitted that petitioner is less than 18 years of age, whereas the informant/victim is 27 years of age. That apart, it has been submitted that there is a property dispute and the informant/victim was staying in her matrimonial home, a place which is very different and distant from the place of the petitioner where the petitioner resided prior to his being taken into remand home.

Though, the learned Court below has assessed the physical as well as mental condition of the petitioner but has not at all assessed whether releasing him would be prejudicial to his future.

In this case, charges have already been framed and the case is fixed for prosecution evidence.

In the aforesaid circumstances, specially the nature of accusation levelled by the aunt of the petitioner and the period for which he has been in remand home i.e. from



08.05.2017, this Court feels inclined to direct for his release from the remand home.

The petitioner/juvenile, above named, is directed to be released on his furnishing bond in the sum of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Children Act), Sitamarhi in connection with Nanpur P.S. Case No. 41 of 2017.

One of the bailors shall be the father of the petitioner, who at the time of filing of his bonds shall furnish an undertaking that he shall take good care of his son and shall report about any disobedience of his to the Officer-in-charge of the concerned Police Station.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

