

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.938 of 2018

Arising Out of PS. Case No.-37 Year-2017 Thana- MAHILA PS District- Khagaria

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AJEET KUMAR @ ADITYA KUMAR, Son of Sri Rajpati Paswan @ Rajapati Pasavan, Resident of Village- Alauli, Police Station- Alauli, District- Khagaria, under guardianship of Rajpati Paswan @ Rajapati Pasavan, S/o Brahma Dev Pasavan, the father of the petitioner and guardian.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Respondent/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-08-2018 The petitioner has been adjudged a juvenile and his age has been assessed to be less than 16 years by the Juvenile Justice Board, Khagaria. He has been made accused in connection with Khagaria Mahila P.S. Case No. 37 of 2017 dated 27.08.2017 instituted for the offences under Sections 376 / 511 of the I.P.C. and Section 18 of the POCSO Act, 2012.

His prayer for being released from the remand home has been rejected by the Juvenile Justice Board, Khagaria as also by the Appellate Court in Cr. Appeal No. 2 of 2018 by order dated 07.07.2018.

The F.I.R. has been lodged by the victim, who alleged that while she was cooking food in the house, the petitioner, who is her neighbour, came inside her



house and wanted to commit rape on her. The occurrence could be averted on the timely arrival of the brother of the victim. When complaint was made regarding the occurrence by the father of the victim to the father of the petitioner, no action was taken against the petitioner.

Learned counsel for the petitioner has submitted that because of the petitioner's father and the victim's father being neighbours, the father of the petitioner had given an accommodation loan to the father of the so called victim. Only on demand of the aforesaid money, the present case has been lodged.

Even otherwise, it has been submitted on behalf of the petitioner, the allegation appears to be false. If at all the brother of the victim had seen the petitioner trying to force himself upon the victim, there was no reason why he was not detained by the brother of the victim.

The petitioner is in remand home since 06.12.2017 and from the orders impugned, it appears that the social investigation report as regards the petitioner is positive.

Considering the nature of accusation; the circumstances in which the occurrence is said to have taken place, the period for which the petitioner has



remained in the remand home; and there being nothing to come to the conclusion that the petitioner has fallen in bad company or there is possibility of his falling in bad company, this Court deems it appropriate to direct for release of the petitioner from the remand home.

Le 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 trial court.

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.

The petitioner shall not cross-roads with the victim or her family and should he be found doing so, it would be the obligation of the father of the petitioner to report the matter straightway to the local police.

(Ashutosh Kumar, J)

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