

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1189 of 2017

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Md. Shahzad @ Md. Sehzaad, Son of Md. Jubair, resident of Village Basetha, P.S. Benipatti, District- Madhubani under the natural guardianship of his father namely Md. Jubair son of Late Md. Jainul Haque, resident of Village Basetha, P.S. Benipatti, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate.

For the Respondent/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-01-2018 The petitioner has approached this Court through his father for his release from the remand home in connection with Juvenile Enquiry No. 862 of 2017, arising out of Benipatti P.S. Case No. 67 of 2017 instituted for the offences under Sections 363 and 366(A) of the Indian Penal Code.

The petitioner has been declared a juvenile as his age has been assessed to be 16 years. According to the FIR, the 14 year old daughter of the informant had gone to market on 28.03.2017 to purchase home articles but never returned. On enquiry, the informant learnt that the juvenile/the petitioner who was on visiting terms with the family of the informant, may have kidnapped his daughter. However, in the beginning the informant claims that he did not suspect either the petitioner/juvenile or his family members but on meeting the father of the petitioner who



did not give correct explanation, he became concerned that the petitioner and his family members have kidnapped his minor daughter. The victim girl has made her statement under Section 164 Cr.P.C. in which she has stated that on 28.03.2017 she was forcibly made to sit on the motorcycle of the petitioner. Thereafter she was taken to Pupri and from there, by train to Kolkata and thereafter to Gujarat. She has also alleged that the petitioner/juvenile, by putting her in fear, subjected her to sexual intercourse. She was released with the help of police and at the instance of her brother.

From the circumstances, the learned counsel for the petitioner has submitted, it would clearly appear that the juvenile/petitioner was known to the victim girl or else the victim girl would not have cooperated in going with him to Kolkata and Gujarat from where she is said to have been recovered. It has further been argued that it does not appear to be plausible/believable that a 14 year old girl would not raise any hue and cry while being taken on train to such long distances to Kolkata and Gujarat.

The medical board has assessed the age of the victim as 17 to 18 years whereas the petitioner has been found to be of 16 years of age.

It has further been submitted on behalf of the



petitioner/juvenile that the other accused persons who are mother and one of the sisters have been granted anticipatory bail by a Bench of this Court. The father of the petitioner has not been made accused and he has approached this Court for the release of the petitioner from the remand home.

From the perusal of the order of the Juvenile Justice Board, Madhubani as well as the appellate order, this Court is of the view that no useful purpose would be served in keeping the petitioner/juvenile in the remand home as there is nothing on record to suggest that he will not be looked after by his family members so as to prevent him from committing such act again.

The petitioner/juvenile has remained in remand home since 30.04.2017.

For the aforesaid facts, the juvenile/petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Madhubani in connection with Juvenile Enquiry No. 862 of 2017, arising out of Benipatti P.S. Case No. 67 of 2017.

(Ashutosh Kumar, J)

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