

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.4 of 2018

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Irfan, Son of Late Alam Mian, Resident of Rukundipur, P.S.-
Darounda, District- Siwan, Under the Guardianship of Jinat
Khatoon, Wife of Late Alam Mian, the mother and natural
guardian.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kr. Mishra, Adv.

For the State : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 12-03-2018 The petitioner/juvenile, who has approached
this Court through his mother, seeks his release from the
remand home where he has been lodged since 25.03.2017
in connection with Darounda P.S. Case No. 51 of 2017,
dated 24.03.2017, instituted for the offences punishable
under Section 376 of the Indian Penal Code (*in short "the*
I.P.C.") and Section 3/4 of the Prevention of Children from
Sexual Offences Act, 2012 (*in short "the POC SO Act"*).

The age of the juvenile/petitioner has been



assessed by the Juvenile Justice Board, Siwan between 10-11 years.

From the records, it appears that on 24.03.2017 when the victim, a 6 years old girl, was playing in the house, the juvenile/petitioner took her to a field on the pretext of playing with her. Later, the victim was found unconscious in the wheat field. On the presumption that the juvenile/petitioner had tried to subject the victim to sexual intercourse, the aforesaid case was lodged under Section 376 of the I.P.C. and Section 3/4 of the POCSO Act. It further appears that the Juvenile Justice Board did not consider it expedient to release the juvenile/petitioner from the remand home and the learned Appellate Court, *i.e.*, 1st Additional District & Sessions Judge, Siwan also refused to interfere with the order, referred to above, in Cr. Appeal No. 52 of 2017 and declined to release the juvenile/petitioner from the remand home.

From the perusal of the appellate order, it appears that the court below did not find any material to convince him to release the juvenile/petitioner from the remand home.

Mr. Ashok Kumar Mishra, learned Advocate for the petitioner, submits that both the courts below erred in



point of law in not releasing the juvenile from the remand home. What both the Courts had to see was whether the juvenile could be kept in a better circumstance and environment by his parents. On the contrary, it has been argued that there is no material on record to suggest that if the juvenile/petitioner is released from the remand home, he would get into the company of criminals or that his release would not be for his benefit in future.

Considering the aforesaid facts and especially taking into account that the allegation against the juvenile/petitioner is only on the basis of presumption as well as the period for which he has remained in the remand home, this Court feels inclined to release the juvenile/petitioner.

Let the petitioner/juvenile, above named, be released from the remand home on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Siwan, in connection with Darounda P.S. Case No. 51 of 2017.

One of the bailors shall be the mother of the petitioner, who, at the time of filing of her bonds, shall give an undertaking that she shall take good care of the



petitioner and in case the petitioner avoids paying heed to her advice, she would report the matter forthwith to the Officer-In-Charge of the concerned police station.

This revision petition is thus allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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