

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.862 of 2018

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1. Kashim Nadaf, S/o Munna Nadaf, R/o Village Kushail, P.S.- Pupri,
Dist.- Sitamarhi, under Guardianship of his Brother, Rustam Nadaf, S/o
Munna Nadaf, R/o Village- Kushail, P.S.- Pupri, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-10-2018 This revision application has been preferred against the order dated 02.07.2018 passed by the Special Judge (Children Court), Sitamarhi, by which the prayer for bail of the petitioner was rejected.

It appears from perusal of the record that the allegation against the petitioner is that he has committed sexual intercourse with the informant Yamin Khatoon since last six months on the allurement of marriage with her and when she told him for marriage, he refused to marry her. The informant had earlier solemnized her marriage with another person and when she was going to the shop for purchase of sugar, petitioner and other accused persons tried to kidnap her but she raised *hulla* and the villagers came there and accused persons fled away. When her husband knew about the illicit relation with him, he divorced her



in presence of the villagers. When the informant pressed upon him for marriage, he refused and threatened to upload her naked video on mobiles.

It appears that the petitioner claims to be juvenile and after enquiry the learned children court has assessed him aged about 17 years, 08 months and 08 days, vide order dated 29.05.2018 . It further appears that thereafter the prayer for bail of the petitioner had been filed and the same was rejected by the learned children court on the ground that the petitioner appears to be normal, his mental capacity is good and he fully understands the consequences of the offence. He has allegedly committed offence and the Probation Officer has also found him normal.

Being aggrieved by the aforesaid order, the present revision application has been preferred by the petitioner on the ground that he is in custody since 4.11.2018 and falsity of allegation will appear from the fact that there is allegation of rape against the petitioner for six months though the prosecutrix was married with another person and whole allegation is levelled against the informant to pressurize him for marriage with her, as she has been divorced by her husband. Earlier also she had lodged a complaint case and the proceeding under Section 107 Cr.P.C. is pending between the parties as there is land dispute and the petitioner is in custody since 4.1.2018. There is no investigation



report available on the record and he is ready to abide by any condition imposed upon him.

The learned A.P.P. has opposed the prayer for bail of the petitioner stating that there is allegation of rape against the petitioner.

Having heard both side and considering the facts and circumstances of the case whereas the prosecutrix appears to be 21 years of age and the petitioner is aged about 17 years, 08 months and 08 days and the allegation also shows that earlier she was married with another person, who divorced her and thereafter the present case has been filed as the land dispute is going on between the parties.

Considering the above, this revision application is allowed and the impugned order is set aside, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I-cum-Special Judge (Children court), Sitamarhi in connection with Pupri P.S.Case No.335 of 2017.

(Vinod Kumar Sinha, J)

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