

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.139 of 2019

Arising Out of PS. Case No.-185 Year-2017 Thana- HARLAKHI District- Madhubani

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Digambar Choudhary aged about 15 years gender-Male Through his legal guardian and son of Sanjeev Choudhary @ Krishna Murari Choudhary Resident of Village- Gamhariya, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Respondent/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 26-02-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 26.10.2018, passed by **learned Sessions Judge cum Special Judge, Madhubani in Cr. Appeal No. 21 of 2018**, by which, the appeal of the petitioner for grant of bail against the order dated **22.12.2017 of Juvenile Justice Board, Begusarai in Harlakhi P.S. Case No. 185 of 2017**, has been dismissed.

Informant in her fardbeyan has alleged that her daughter went to see Play of Mahaviri Jhanda at about 7:00 pm alongwith other children and when she did not return till 9:00 pm she began to search her. In the meantime she found her daughter in unconscious stage in a Gali situated behind the



house of Surendra Pandey and blood was oozing out from her private part. She has further stated that immediately her daughter was taken to Primary Health Centre, Harlakhi, whereafter first aid treatment she gained consciousness and disclosed that Digamber Choudhary and Rishi Kumar lifted her from Mela and in the Gali, Digamber Choudhary committed rape upon her.

It has been submitted on behalf of the petitioner that there is no adverse report either before the learned Juvenile Justice Board or before the learned Appellate Court, who rejected the prayer for bail of the petitioner. It has been further submitted that the father of the petitioner undertakes that he will keep proper watch over the petitioner and he will not allow him to come in association with any antisocial element.

According to the learned counsel for the petitioner, no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home. It has further been submitted on behalf of petitioner that from the record it does not appear that if the petitioner is released, he will be exposed to mental, physical and psychological danger or likely to bring him into association with any known criminal.

Considering the above, this revision application is



allowed. The order dated **26.10.2018**, passed by learned **Sessions Judge cum Special Judge, Madhubani in Cr. Appeal No. 21 of 2018**, is set aside.

The petitioner, named above, is directed to be released from the Remand Home on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned **Principal Member, Juvenile Justice Board, Madhubani**, in connection with **Harlakhi P.S. Case No. 185 of 2017** subject to the condition that:-

One of the bailors of the petitioner shall be his father/mother who at the time of filing of the bonds, shall also give an undertaking that he/she will take good care of the petitioner and in case petitioner does not act as per his/her advice, he/she shall report the matter to the office-in-charge of the concerned police station and further during period of bail, the petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed.

(S. Kumar, J)

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