

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.116 of 2019**

Arising Out of PS. Case No.-126 Year-2017 Thana- BARURAJ District- Muzaffarpur

Rupan Kumar Gender Male aged about 16 years s/o Rambabu Ojha through his natural guardian namely, Rambabu Ojha who is father of the petitioner, r/o Vill-Bansghat, P.S-Baruraj, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Respondent/s : Mr.Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

3 07-03-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated **21.12.2018, passed by learned Children's Court, Muzaffarpur in Baruraj P.S. Case No. 126 of 2017**, under Sections 376 of IPC and 4/8 of POCSO Act, by which, the prayer for grant of bail of the petitioner has been dismissed.

Informant in her written complaint has alleged that when her minor daughter was returning from Minapur then petitioner forcibly took her in the Orchard of Bhikham Singh and committed raper upon her.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to



dirty village politics. It has been further submitted that from perusal of para 22 of the case diary it reveals that the victim girl was examined on the same day by the Doctor and the Doctor has not found any sign of sexual assault. Petitioner has got no criminal antecedent.

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 **21.12.2018, passed by learned Children's Court, Muzaffarpur in Baruraj P.S. Case No. 126 of 2017**, 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 **learned Children's Court, Muzaffarpur**, in connection with **Baruraj P.S. Case No. 126 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)

ranjan/-

U			
---	--	--	--

