

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.169 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- GAYA MUFASIL District- Gaya

SAURAV KUMAR aged about 13 years (M) S/o Dharmendra Pandey @ Vijay Kumar, village-Barewa, P.S-Mufassil, Distt.-Gaya, under guardianship of Mother namely Sudha Kumari aged about 35 years (Female) W/o Dharmendra Pandey @ Vijay Kumar, Resident of village-Barewa,P.S-Mufassil,Distt.-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Narain Sinha Mr. Ujjawal Kumar Singh
For the Respondent/s	:	Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 14-02-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated **01.11.2018, passed by learned Additional Sessions Judge-1, Gaya in Cr. Appeal (Juvenile) No. 92 of 2018/42 of 2018**, by which, the appeal of the petitioner for grant of bail against the order dated **20.08.2018 of Juvenile Justice Board, Gaya in Misc. No. 145 of 2018 G.R. No. 4765 of 2018 arising out of Mofassil P.S. Case No. 242 of 2018**, has been dismissed.

Informant has alleged that on 19.07.2018 at about 11:00 A.M. her sister-in-law had gone to attend call of nature, where petitioner committed rape upon her and when he saw her, he flee away but he was caught with the help of the villagers



and handed over to the police.

It has been submitted on behalf of the petitioner that he is innocent and both the parties are neighbour and due to ulterior motive he has been falsely implicated in this case. In the medical report no spermatozoa was found dead or alive. There is no external as well as internal injury found on the person of the victim. There is no sign of recent sexual intercourse. Petitioner has got no criminal antecedent and is in custody since 20.07.2018.

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 is likely to bring him into association with any known criminal.

Considering the above, this revision application is allowed. The order dated **01.11.2018, passed by learned Additional Sessions Judge-1, Gaya in Cr. Appeal (Juvenile) No. 92 of 2018/42 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 **Juvenile Justice Board, Gaya**, in connection with **Misc. No. 145 of 2018 G.R. No. 4765 of 2018 arising out of Mofassil P.S. Case No. 242 of 2018** 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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