

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.173 of 2019

Arising Out of PS. Case No.-244 Year-2018 Thana- GOGRI District- Khagaria

MD. SHAHID Son of Md. Jahagir, Who is Natural Guardian of the Petitioner
Resident of Village - Muskipur Bhuriya- Tari

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Respondent/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 15-02-2019 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 Juvenile Justice Board, Khagaria in G.R. Case No. 1995(A)/18 arising out of Gogri P.S. Case No. 244 of 2018 registered for the offences under Sections 323, 341, 504, 506, 376/34 of the Indian Penal Code and Sections 5/6(A) of POCSO Act also against the order dated 09.01.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Khagaria in Cr. Appeal No. 29 of 2018 has been dismissed.

Allegation against Petitioner is that he established physical relation with the informant on promise of marriage and when she became pregnant and asked the petitioner to marry then he refused to marry.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. The allegation of establishing physical relation with her on promise



of marriage is false and concocted. The allegations even assumed to be true being consensual cannot be offence. Petitioner has no criminal antecedent and he is in custody since 12.09.2018.

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 been further submitted on behalf of the 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.

The bail petition was opposed by the counsel for informant and State.

Considering the above, this revision application is allowed. The order dated 01.11.2018 passed by learned Juvenile Justice Board, Khagaria in G.R. Case No. 1995(A)/18 arising out of Gogri P.S. Case No. 244 of 2018 and also order dated 09.01.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Khagaria in Cr. Appeal No. 29 of 2018 are set aside.

The petitioner, above named, is directed to be released from the Remand Home on his 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, Khagaria, in connection with G.R. No. 1995(A)/2018 arising out of Gogri P.S. Case No. 244 of 2018, subject to 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 Officer-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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