

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.206 of 2019

Arising Out of PS. Case No.-14 Year-2018 Thana- MAHILA P.S. District- Sheohar

MUKESH KUMAR Son of Raghubir Sah under natural guardianship of his father Raghubir Sah ,Resident of Village - Dhankaul, P.S.- Piprahi, Distt - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar..... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Respondent/s : Mr.Kanhaiya Kishore APP.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 21-05-2019

1. Petitioner has preferred this revision application

under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, against the order dated 16.01.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge (Children Court), Sheohar, in connection with Sheohar Mahila P.S. Case No. 14 of 2018.

2. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

3. Petitioner is said to have committed rape against the informant on the point of knife intruding into her house.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioner has been falsely implicated in the case. Both petitioner and informant happens to be cousin and there is land dispute



between the parties and due to the said dispute petitioner has been falsely implicated in this case. Doctor has found no injury either on the person of the informant or on the genital organ which rules out the prosecution case. He has been languishing in custody since 15.10.2018. The petitioner has filed bail petition on 15.1.2019 I.O. has not submitted charge-sheet in the case within stipulated period of 90 days rather on 16.1.2019 i.e. after the filing of the bail petition under Section 167 (2) of the Cr.P.C. He has no criminal antecedent. Father of the petitioner who happens to be the natural guardian of the petitioner is ready to take custody and proper care of the petitioner.

5. Learned A.P.P. for the State opposed the prayer of the petitioner.

6. After hearing the learned counsel for the both the parties and on perusal of the materials available on record, I find substance in the contention of the learned counsel for the petitioner.

7. Considering the facts and circumstances stated above, in my opinion, the impugned order is not fit to be sustained. Hence, the impugned order is set aside. The petitioner abovementioned is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge 1st, (Children Court), Sheohar in connection with Sheohar Mahila P.S. Case No. 14 of 2018 on the following terms and conditions:-

(i) One of the bailors will be the father of the petitioner.

(ii) Father of the petitioner will produce the petitioner in the court if and when required.

(iii) The petitioner will not indulge in similar or in any other offence.

(iv) in case of his absence for two consecutive dates or in case of violation of the terms of the bail, his bail bond will be liable to be cancelled by the learned 1st Additional Sessions Judge-cum-Special Judge (Children Court), Sheohar and he will be taken into custody.

8. In the result, this application is allowed.

(Prakash Chandra Jaiswal, J)

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