

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.303 of 2019

Arising Out of PS. Case No.-201 Year-2018 Thana- MOHAMMADPUR District- Gopalganj

ROCKY KUMAR Son of Sri Ram Prasad Sahani R/o village- Harpur Tengrahi, P.S.- Mohammadpur, District- Gopalganj, through his legal guardian (Father) Ram Prasad Sahani, Age- 48 Years, Gender- Male, Son of Late Raja Sahani, R/o village- Harpur Tengrahi, P.S.- Mohammadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Shashank Thakur, Advocate
	:	Mr. Ritwaj Raman, Advocate
For the Respondent/s	:	Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 03-04-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 31.01.2019 passed by learned Sessions Judge, Gopalganj passed in Cr. Appeal No. 5 of 2019 and also order dated 07.01.2019 passed by learned Principal Magistrate Juvenile Justice Board, Gopalganj in J.E. No. 170 of 2018 in connection with Mohammad P.S. Case No. 201 of 2018 have been dismissed.

Allegation against petitioner and other co-accused is of committing rape upon minor daughter of the informant and thereafter made objectionable video and uploading it in the



whatsapp of the informant.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case due to village rivalry. It has been further submitted that petitioner has no concern with the co-accused Manti Kumar who was featuring in the video while committing rape upon his minor daughter. Incident is of 11.04.2018, however, FIR was lodged on 18.10.2018. Petitioner has no criminal antecedent and he is in custody since 12.12.2018.

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.

Considering the above, this revision application is allowed. the order dated 31.01.2019 passed by learned Sessions Judge, Gopalganj passed in Cr. Appeal No. 5 of 2019 and also order dated 07.01.2019 passed by learned Principal Magistrate Juvenile Justice Board, Gopalganj in J.E. No. 170 of 2018 in connection with Mohammad P.S. Case No. 201 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 Principal Magistrate, Juvenile Justice Board, Gopalganj in J.E. No. 170 of 2018, in connection with Mohammadpur P.S. Case No. 201 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)

veena/-

U		T	
---	--	---	--

