

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.361 of 2019

Arising Out of PS. Case No.-10 Year-2018 Thana- MAHISHI District- Saharsa

Sarvjeet @ Sarvjit @ Abhishek Kumar, aged about 19 years,(M) under the Guardianship of his natural Guardian Father Anuj Sah @ Mithilesh Kumar Gupta, Son of Butan Sah, Resident of Village - Telwa, P.S.- Mahishi (Jalai O.P.), Distt – Saharsa. Petitioner/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv.
For the Respondent/s : Mr.Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 03-04-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 23.01.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa, in Criminal Appeal No. 21 of 2018 by which appeal of the petitioner for grant of bail against the order dated 07.12.2018 passed by learned Principal Magistrate, Juvenile Justice Board, Saharsa in connection with POCSO Case no. 04 of 2018 arising out of Mahishi P.S. Case No. 10 of 2018 under sections 363, 376, 34 of the Indian Penal Code as well as under Section 6 of POCSO Act have been dismissed.

Informant has alleged that on 18.01.2018 while her daughter had gone to attend call of nature meanwhile petitioner and one Ghanshyam Sah enticed away her daughter and they confine her in a room at Saharsa and committed rape with her.



The victim in her statement has accepted that she had love affair with petitioner and he wants to keep her but his parents are not ready.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Petitioner has no criminal antecedent. Similarly placed co-accused namely Ghanshyam Sah has been granted bail by this Hon'ble Court vide order dated 11.07.2018 passed Cr. Misc. No. 39792 of 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 23.01.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa, in Criminal Appeal No. 21 of 2018 by which appeal of the petitioner for grant of bail against the order dated 07.12.2018 passed by learned Principal Magistrate, Juvenile Justice Board,



Saharsa in connection with POCSO Case no. 04 of 2018 arising out of Mahishi P.S. Case No. 10 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, Saharsa, in connection with POCSO Case no. 04 of 2018 arising out of Mahishi P.S. Case No. 10 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)

Rajiv/-

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

