

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1298 of 2018

Arising Out of PS. Case No.-45 Year-2018 Thana- PALANWA District- East Champaran

Rahul Kumar S/o Prabhu Prasad @ Prabhu Sah, Resident of Village- Parsauna Tapsi, P.S.- Palanwa, District- East Champaran, under the guardianship of his father Prabhu Prasad @ Prabhu Sah.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Respondent/s : Mr.Sri Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 26-02-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated **09.10.2018**, passed by **learned Additional Sessions Judge(Special Court POCSO Act), East Champaran, Motihari in Cr. Appeal No. 55 of 2018**, by which, the appeal of the petitioner for grant of bail against the order dated 08.08.2018 of **Juvenile Justice Board, Motihari, East Champaran, in Trial No. 1096 of 2018 arising out of Palanwa P.S. Case No. 45 of 2018(G.R. No. 510 of 2018)** has been dismissed.

Allegation against the petitioner is of entering the house of the Informant and sprinkling kerosene oil on her body and setting her ablaze on fire along with FIR named accused.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that the statement of the victim girl was recorded under Section 164 of the Cr.P.C in which she has stated that she was having love affair with the petitioner.

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 likely to bring him into association with any known criminal.

Considering the above, this revision application is allowed. The order dated **09.10.2018, passed by learned Additional Sessions Judge(Special Court POCSO Act), East Champaran, Motihari in Cr. Appeal No. 55 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, Motihari, East Champaran, in Trial No. 1096 of 2018 arising out of**



Palanwa P.S. Case No. 45 of 2018(G.R. No. 510 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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