

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.774 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- RAJPUR District- Buxar

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Dipu Kumar @ Rahul Kumar through and under the guardianship of his father and natural guardian, namely, Vidya Sagar Singh, Gender-Male, aged about 15 years, Son of Vidya Sagar Singh Resident of Village - Akbarpur, P.S.- Rajpur, District - Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad
For the Respondent/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 19-12-2019 Heard the parties.

2. This revision application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is against order dated 22.01.2019 passed by the learned Juvenile Justice Board, Buxar in J.J.B.Case No.656 of 2018 whereby the Juvenile Justice Board refused the prayer for bail to the petitioner in connection with Rajpur P.S.Case No.205 of 2018 registered under Sections 376, 504 and 506 of the Indian Penal Code as well as Section 4 of the POCSO Act. The said order was challenged in Cr.Appeal No.17 of 2019 before the learned Special Judge, Buxar who dismissed the appeal by judgment and order dated 24.05.2019.

3. Allegation against the petitioner is of commission



of rape against a minor girl of eight years. The victim girl disclosed her age before the Magistrate as eight years and the Magistrate also assessed the age of the victim in between 7-8 years. The medical report also shows that the victim was in between 8 to 10 years. The victim is specific that the petitioner dragged to her inside the room and committed rape against her.

4. The learned J.J.Board while refusing the prayer for bail observed that in such heinous crime grant of bail to the petitioner would defeat the ends of justice. Likewise, the Appellate Court also stated that grant of bail would defeat the ends of justice.

5. Learned counsel for the petitioner submits the objective of the statute is in favour of the juvenile in conflict with law especially in the matter of grant of bail. Certain exceptions mentioned in the proviso to Section 12 of the Juvenile Justice Act, 2015 are to be applied in rarest of the rare cases but both the courts below have ignored the aim and object of the legislation that the Act is for the benefit of juvenile in conflict with law and they have got right to be released on bail irrespective of the seriousness of the crime.

6. Considering the nature of allegation against the petitioner that he ravished to a minor aged about 8 to 10 years



and news must be shocked conscious of the entire society in the vicinity of the place of occurrence and would have sent a wrong message against the barbaric act of the accused. Hence, I do not find any infirmity with the orders of the court below that grant of bail to the petitioner would defeat the ends of justice. Therefore, this application is dismissed as devoid of any merit.

7. Juvenile Justice Board/Children Court, Buxar is directed to expedite the enquiry/trial at the earliest.

(Birendra Kumar, J)

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