

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.724 of 2018

Arising Out of PS. Case No.-64 Year-2017 Thana- MAHILA P.S. District- Araria

Md. Shami Alam @ Md. Shami S/o Sekh Kalam @ Md. Kalam, through his natural guardian namely Bibi Niraso who is mother Resident of Village - Amouna, Ward No. 03, P.S. - Jogbani, District - Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Respondent/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 23-01-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 22.05.2018, passed by learned District & Sessions Judge, Araria in criminal appeal No.07 of 2018, by which, the appeal of the petitioner for grant of bail against the order dated 16.04.2018 of Juvenile Justice Board, Araria in connection with Araria (Mahila) P.S. Case No. 64 of 2017 corresponding to G.R. Case No.3099/17 has been dismissed.

The informant has alleged that the petitioner has committed rape upon her after giving false allurements of marriage and, thereafter, he was regularly establishing physical relation with her and she also became pregnant. The petitioner



tried to terminate her pregnancy but he could not succeed.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has further been submitted on behalf of the petitioner that he has no concern with the alleged crime rather the petitioner was sexually abused by the informant who is a major lady and he is a juvenile. Petitioner has no criminal antecedent.

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.

Considering the above, this revision application is allowed. The order dated 22.05.2018, passed by learned District & Sessions Judge, Araria is 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 Juvenile Justice Board, Araria in connection with Araria (Mahila) P.S. Case No. 64 of 2017 corresponding to G.R. Case No.3099/17 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)

Sanjay/-

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