

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1189 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- GARKHA District- Saran

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Aman Ansari Son of Noor Hassan, who is father and natural guardian of petitioner, resident of Village- Kadipur, P.S.- Khaira, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nilam Kumari, D/o Deo Narayan Rai, Resident of Village- Rampur Bathani Tola, P.S.- Garkha, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Adv.

For the Respondent/s : Mr.Sri Damodar Prasad Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 17-01-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 24.08.2018 passed by learned 1st Additional Sessions Judge, at Chapra in Cr. (Juvenile) Appeal No. 42 of 2018 and order dated 31.07.2018 passed by learned Principal Magistrate, J.J.B., Chapra in J.J.B. Case No. 1431 of 2018, arising out of Garkha P.S. Case No. 121 of 2018 has been dismissed.

Informant Nilima Kumari, aged about 15 years has alleged in her written complaint that on 03.04.2018 in the morning at about 3:00 A.M. she along with her mother and



neighbours had gone to collect the Mahuwa fruits then during course of collecting the Mahuwa a white colour vehicle came in which five persons were boarded and they forcibly took her in the vehicle and they went at a lonely place and tied her mouth with Gamchha and they committed rape one by one and also assaulted her by fist and slaps.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. F.I.R. is against unknown. It has further been submitted that the victim of the case is a major. Name of petitioner has surfaced in this case on confessional statement of Indal Kumar.

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 24.08.2018 passed by learned 1st Additional Sessions Judge, at Chapra in Cr. (Juvenile) Appeal No. 42 of 2018 and order dated 31.07.2018 passed by learned Principal Magistrate, J.J.B., Chapra in J.J.B. Case No. 1431 of



2018, arising out of Garkha P.S. Case No. 121 of 2018 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, Chapra in connection with J.J.B. Case No. 1431 of 2018 arising out of Garkha P.S. Case No., 121 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/-

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