

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1192 of 2018

Arising Out of PS. Case No.-59 Year-2017 Thana- BARAULI District- Gopalganj

Khurshid Alam @ Jaiky @ Khurshid Ali @ Jaiky Ali, S/o Basir Ahmad R/o
Village-Sareya Narendra, P.S.-Barauli (Madhopur O.P.). District.-Gopalganj
(Under the gurardianship of his father Bashir Ahmad)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Singh, Adv.

For the Respondent/s : Mr.Sri S. Ehteshamuddin (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 13-02-2019

Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 21.08.2018 passed by learned 1st Additional Sessions Judge, Gopalganj in Criminal Appeal No. 40 of 2018 by which appeal of the petitioner for grant of bail against the order dated 16.12.2017 passed by learned Juvenile Justice Board, Gopalganj, in connection with J.E. No. 151 of 2017, arising out of Barauli (Madhopur O.P.) @ Barauli P.S. Case No. 59 of 2017, has been dismissed.

Informant Puja Kumari who is victim girl, has alleged that while she was alone in the house and her father had gone abroad for earning his livelihood, her neighbour, Farida Khatoon along with petitioner came and asked her to do unnatural act with the petitioner. On objection, she has been dragged to the house of the petitioner and petitioner forcibly tried to commit



rape. On further objection, Kerosene oil has been poured on the body of the victim girl and she has been assaulted with heated iron rod.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to land dispute. There is no eye-witness of the occurrence except the victim herself. Petitioner has no criminal antecedent. Similarly placed co-accused has been granted regular bail by co-ordinate bench of this court passed in Cr. Misc. No. 36461 of 2017 vide order dated 01.09.2017.

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 his release is likely to bring him in association with any known criminal.

Considering the above, this revision application is allowed. The order dated 21.08.2018 passed by 1st Additional Sessions Judge, Gopalganj in Criminal Appeal No. 40 of 2018 and order dated 16.12.2017 passed by learned Juvenile Justice Board, Gopalganj, in connection with J.E. No. 151 of 2017,



Barauli (Madhopur O.P.) Barauli P.S. Case No. 59 of 2017 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 Juvenile Justice Board, Gopalganj in connection with J.E. No. 151 of 2017, arising out of Barauli (Madhopur O.P.) @ Barauli P.S. Case No. 59 of 2017, 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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