

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1287 of 2018

Arising Out of PS. Case No.-65 Year-2017 Thana- MAHILA P.S. District- Bhagalpur

Ashish Kumar Son of Binod Mandal Resident of Village-Mamalkha P.S.
Sabour Distt.-Bhagalpur, under Guardianship of Lakshman Mandal son of
Parsingh Mandal (Uncle of the petitioner)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.

For the Respondent/s : Mr.Sri Anant Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 16-01-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 19.09.2018 passed by learned 1st Additional Sessions Judge, Bhagalpur in Criminal Appeal No. 01 of 2018 by which appeal of the petitioner for grant of bail against the order dated 13.08.2018 passed by learned Juvenile Justice Board, Bhagalpur in connection with Bhagalpur (Mahila) P.S. Case No. 65 of 2017 corresponding to G.R. No. 5239 of 2017 has been dismissed.

Informant has alleged in her written complaint that petitioner who was class fellow and became good friend. Due to close intimacy petitioner established physical relation with her time to time on promise of marriage. It has been further



alleged that later on petitioner and his family members denied to solemnized marriage. It has been further alleged that father of the petitioner attempted to give Rs. 2,00000/- lacs for the compromise but the informant denied.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that informant trapped the petitioner and always took money for her requirements and enjoyments and there is no whisper in the F.I.R. that petitioner applied force at any time rather she herself accepted that first time she co-habited with the petitioner and took Rs. 800/-.

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 19.09.2018 passed by learned 1st Additional Sessions Judge, Bhagalpur in Criminal Appeal No. 01 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, Bhagalpur in connection with Bhagalpur (Mahila) P.S. Case No. 65 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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