

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1416 of 2018

Arising Out of PS. Case No.-106 Year-2018 Thana- GOH District- Aurangabad

Rahul Kumar Son of Bijay Paswan Juvenile under guardianship of Dwarika
Paswan Son of Late Gopal Paswan, Both Resident of Village- Bhurkunda,
P.S.- Goh, District- Aurangabad Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Respondent/s : Mr.Sri Ahtash Ali Khan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 21-01-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 25.10.2018 passed by learned A.D.J.-1st, Aurangabad in Cr. Appeal No. 73/2018/15/2018 by which appeal of the petitioner for grant of bail in connection with Goh P.S. Case No. 106 of 2018 has been rejected and the order dated 03.10.2018 passed by learned Juvenile Justice Board, Aurangabad rejecting the bail application of the petitioner has been confirmed.

Informant in her fardbeyan has alleged that while she was returning from Goh Block, in the way FIR named accused including petitioner took away her in the crop field and on the point of knife they raped her and thereafter made objectionable video and shared it with others.

It has been submitted on behalf of the petitioner that he is



innocent and has been falsely implicated in this case due to land dispute. There is no allegation of committing rape against petitioner. Allegation is that on his mobile accused Suraj made video. It has been further submitted that occurrence took place on 28.04.2018 and FIR was lodged on 19.05.2018 and statement under Section 164 of Cr.P.C. was recorded in which she has stated that her father pressed her to lodge this case. Petitioner has no criminal antecedent and he is in custody since 20.05.2018.

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 been further submitted on behalf of the 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 29.09.2018 passed by learned 1st Additional Sessions Judge, Saran at Chapra 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 J.J.B., Aurangabad, in



connection with Goh P.S. Case No. 106 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)

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