

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1431 of 2018

Arising Out of PS. Case No.-145 Year-2017 Thana- NARHATT District- Nawada

Ritesh Kumar @ Raja Ram, In the meantime, *status quo* existing as on today, shall be maintained./o Rakesh Kumar, r/o vill-Patalbigha, PS-Narhat, Dist-Nawada through mother, natural guardian, Kanti Kumari, w/o Rakesh Kumar, r/o vill-Patalbigha, PS-Narhat, Dist-Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rama kant Sharma
	:	Mr. Hansraj
For the Respondent/s	:	Mr.Sri Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 26-11-2019 Heard the learned counsel for the parties.

The present revision application has been filed against the order dated 12.10.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge-cum-Children Court, Nawada in Criminal Appeal (Juvenile) no. 32 of 2018.

The brief facts of the case is that on 05.09.2017 at 10.07 and 10.15 am, victim girl, namely, Gresy Sharma received call twice on her mobile and, thereafter, she committed suicide by setting her ablaze. It has further been alleged that the appellant along with his associates Raushan Kumar and Ritesh Kumar had committed rape upon the girl and also made a video. Thereafter, all the accused persons including the appellant used to torture and threaten that they would make her obscene video viral on internet



and You Tube, if she does not keep illicit relation with them.

The learned Senior counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case on account of previous enmity and the fact is that there is neither any direct evidence with regard to the petitioner having committed rape on the victim girl nor of having created any video of the alleged incident. It is also submitted that the petitioner was aged about 14 years and 07 months old at the time of commission of the crime. Lastly, it is submitted that since the similarly situated co-accused person namely Praduman Kumar has already been granted privilege of regular bail vide order dated 07.03.2019 passed in Criminal Revision no. 1315 of 2018.

Having regard to the facts and circumstances of the case as also considering the parity of the case of the petitioner with that of the co-accused namely Praduman Kumar, who has already been granted regular bail by a co-ordinate Bench of this Court, I deem it fit and proper to allow the present revision petition and set aside the order dated 12.10.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge-cum-Children Court, Nawada in Criminal Appeal (Juvenile) no. 32 of 2018.

Consequently, the petitioner herein is directed to be released from the Remand Home on his furnishing bail bond of



Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Juvenile Justice Board, Nawada in Narhat PS case no. 145 of 2017 corresponding to G.R. no. 2579 of 2017/ J.I. no. 653 of 2018 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 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 on the aforesaid terms.

(Mohit Kumar Shah, J)

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