

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1331 of 2018

Arising Out of PS. Case No.-153 Year-2018 Thana- EKMA District- Saran

1. Mohit Kumar @ Prabhu Dayal, son of Uday Kumar @ Mukund Jee through his mother Nitya Singh, wife of Uday Kumar @ Mukund Jee.
2. Rohit @ Golu, son of Ram Adhar Sharma through his mother and Guardian Muni Devi, wife of Ram Adhar Sharma (Accused No. 7)
3. Chanchal, son of Baij Nath Prasad through his mother Kalawati Devi, wife of Baijnath Sharma (Accused No. 17)
4. Vishal Kumar, son of Parmanand Prasad through his mother Sulati Devi, (Accused No. 12) wife of Parmanand Prasad.
5. Abhishek Kumar, son of Ashwani Kumar @ Ashwani Kumar Sharma through his father Ashwani Kumar @ Ashwani Kumar Sharma, son of Chandro Prasad (Accused No. 10)
6. Suraj Kumar, son of Umashankar @ Uma Shankar Prasad through his father Umashankar @ Uma Shankar Prasad, son of Late Ramnath Prasad (Accused No. 2).
7. Manish Kumar, son of Hridya Nand Prasad through his father Hridya Nand Prasad, son of Late Ram Janam (Accused No. 18).
8. Deepak Kumar, son of Birendra Sah through his mother Reeta Devi, wife of Birendra Sah (Accused No. 14).
9. Raj Kumar Gupta @ Vicky, son of Santosh Kumar Gupta through his father Santosh Kumar Gupta, son of Dharm Nath Prasad (Accused No. 11)
10. Ram Kumar @ Ram, son of Anand Mahto through his father Anand Mahto, son of Ram Sewak Mahto (Accused No. 16).
11. Abhishek Sah, son of Nand Lal Sah through his mother Umrawati Devi, wife of Nandlal Sah (Accused No.15).
12. Sarfaraz @ Sarfaraz Alam, son of Mahtab Alam through his mother Sabronisse, wife of Mahtab Alam (Accused No. 3).
13. Aman Ansari, son of Mohan Ansari through his mother Farida Khatoon, wife of Moharam Ansari (Accused No. 8).
14. Abhay Kumar, son of Saroj Kumar through his father Saroj Kumar, son of Late Bishun Prasad (Accused No. 13).
15. Anshu @ Navin, son of Jitendra Singh through his father Jitendra Singh, son of Shatrughan Singh (Accused No. 9). All are resident of Village- Parsagarh Bazar, P.S. Ekma, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ansul
For the Respondent/s : Mr.Sri Chaubey Jawahar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER



3 08-01-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioners against the order dated 27.09.2018 passed by learned 1st Addl. Sessions Judge, Saran at Chjapra in Cr. (Juvenile) Appeal No. 58 of 2018 by which, the appeal of the petitioner for grant of bail against the order dated 27.08.2018 of Juvenile Justice Board in Ekma P.S. Case No. 153 of 2018 corresponding to J.B.B. Case No.1549 of 2018 has been dismissed.

Allegation against the petitioners and other accused persons of committing rape with informant for the last 6-7 months and also on 04.07.2018 and 05.07.2018 and written complaint is made on 06.07.2018.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. It has been further submitted that the rape was committed by number of persons. The medical Board was constituted and examined the informant on 06.07.2018 and found no injury in and around her private part. No sign of any recent intercourse was found. No spermatozoa was found.

According to the learned counsel for the petitioners, no fruitful purpose will be served if the petitioners are allowed



to remain in the Remand Home. It has further been submitted on behalf of petitioners that from the record it does not appear that if the petitioners are released, they will be exposed to mental, physical and psychological danger.

Considering the above, this revision application is allowed. The order dated 27.09.2018 passed by learned 1st Addl. Sessions Judge, Saran at Chapra is set aside.

The petitioners, above named, are directed to be released from the Remand Home on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of Principal Magistrate, Juvenile Justice Board, Chapra in connection with Ekma P.S. Case No. 153 of 2018 corresponding to J.J.B. Case No.1549 of 2018 subject to the condition that:-

One of the bailors of the petitioners shall be his close relative /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 petitioners and in case petitioners do not act as per his/her advice, he/she shall report the matter to the office-in-charge of the concerned police station and further during period of bail, the petitioners will be under the supervision of concerned Probation Officer.



This revision application stands allowed.

(S. Kumar, J)

Sanjay/-

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