

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1422 of 2018

Arising Out of PS. Case No.-79 Year-2018 Thana- MAHILA P.S. District- Nalanda

Rahul Kumar @ Rahul Yadav son of Yodha Yadav, resident of Village- Charuipur, P.S. Noorsarai, District Nalanda through his maternal uncle and natural guardian Sri Indrajeet Kumar, son of Late Prayag Yadav, resident of Village- Beldhana, P.S. Noorsarai, District Nalanda. Petitioner/s
Versus

The State of Bihar Respondent/s

Appearance :

For the Petitioner/s : Mr. A. K. Thakur,
Mr.Pravin Kumar, Advocates
For the Respondent/s : Mr.Md. Ashlam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 08-01-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 03.11.2018, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Biharsharif in Juvenile Appeal No.16 of 2018, by which, the appeal of the petitioner for grant of bail against the order dated 17.09.2018 of Juvenile Justice Board, Nalanda, Biharsharif in J.J. Board Case No.440/2018 arising out of Mahila P.S. Case No. 79/2018 has been dismissed.

The informant has alleged that her sister Mallu Devi was married at village Charui Par and the petitioner is cousin brother of the husband of her sister. He used to visit her house and in that course, he started talking with her and expressed that he was in love with her and desired to marry her and on that promise, he developed physical relation with her since the last 7 months. When the informant insisted her marriage, he advised her to send her father for negotiation. When her father went to



his house on 23.07.2018 for that purpose, the petitioner's father Jodha Yadav started abusing and denied to accept her as his daughter-in-law. On protest, he began to assault the informant's father and others. Other accused persons also abused and pelted stones.

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 the petitioner was never involved in any such activity, as alleged by the informant, and it would also be apparent from the F.I.R. that the prosecutrix is an adult lady whereas petitioner is juvenile and only with a view to put pressure upon the family members of the petitioner, the false case has been lodged by the informant.

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 03.11.2018, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at



Biharsharif 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, Nalanda at Biharsharif in connection with J.J. Board Case No.440/2018 arising out of Mahila P.S. Case No. 79/2018 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 office-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.

Sanjay/-

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(S. Kumar, J)

