

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.744 of 2018

Arising Out of PS. Case No.-263 Year-2017 Thana- TARAIIYA District- Saran

Chandan Kumar (under Guardian of mother namely Lakhpatti Devi), S/o Mansi Singh, Resident of Village- Taraiya, P.S.- Taraiya, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Respondent/s : Mr.Sri Ajay Kumar-1 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 11-03-2019

Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 02.06.2018 passed by learned 1st Additional Sessions Judge, Saran at Chapra in Criminal (Juvenile) Appeal No. 26 of 2018 by which appeal of the petitioner for grant of bail against the order dated 16.05.2018 passed by learned Principal Magistrate, Juvenile Justice Board, Chapra in connection with J.J.B. Case No. 1399 of 2018 (arising out of Taraiya P.S. Case No. 263 of 2017), registered for the offences under Sections 376, 34 of the Indian Penal Code and Section 4/6 of POCSO Act, as well as under Section 67A of the I.T. Act, have been



dismissed.

Allegation in brief is that the petitioner along with his friend, another co-accused, caught hold the prosecutrix from the back, dragged her near a bush and committed rape and also snapped her nude photographs in mobile and thereafter committed rape later on several times.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to dirty village politics. Petitioner is not named in the F.I.R. There is specific allegation against co-accused Rahul Kumar Singh and Bittu Singh. Rahul Kumar Singh and Bittu Kumar have been granted bail by co-ordinate Bench of this court vide order dated 12.04.2018 and 11.05.2018 passed in Cr. Misc. No. 10353 of 2018 and Cr. Misc. No. 29464 of 2018 respectively.

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 or is likely to bring him into association with any known criminal.



Considering the above, this revision application is allowed. The order dated 02.06.2018 passed by learned 1st Additional Sessions Judge, Saran at Chapra in Criminal (Juvenile) Appeal No. 26 of 2018 by which appeal of the petitioner for grant of bail against the order dated 16.05.2018 passed by learned Principal Magistrate, Juvenile Justice Board, Chapra in connection with J.J.B. Case No. 1399 of 2018 are 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, Chapra, in connection with J.J.B. Case No. 1399 of 2018 (arising out of Taraiya P.S. Case No. 263 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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