

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1315 of 2018

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

Praduman Kumar, Son of Binod Kumar, Resident of Village- Jhikarua,
Police Station - Narhat, District- Nawadah.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Respondent/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

7 07-03-2019

Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 27.09.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Children Court, Nawadah in Cr. Appeal (Juvenile) No.25 of 2018, by which, the appeal of the petitioner for grant of bail against the order dated 13.08.2018 of Juvenile Justice Board, Nawadah in Narhat P.S. Case No. 145 of 2017 corresponding to G.R. No.2579 of 2017/ J.I. No.653 of 2018 has been dismissed.

The prosecution story, in brief, is that on 05.09.2017 at 10.07 and 10.15 a.m., 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 viral her obscene video on internet and You Tube, if she would not keep illicit relation with them.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case due to previous enmity with the family of informant as they are agnates. There is serious dispute between both the families and are on inimical term. In the inquest report which was prepared at 12.00 on 05.09.2017, cause of death has been stated as catching fire while cooking. As per CDR report, no direct phone of petitioner has been found on mobile of deceased or on Mobile of other accused. No video as alleged could be traced out by police. Occurrence is of 05.09.2017 at 10.15 a.m., F.I.R. has been instituted at 7.00 P.M., however, same was send in the court of Spl. Judge on 11.09.2017.

At the time of occurrence, petitioner was 16 years 5 months old. Crime is heinous and Board in presence of psychologist conducted test of petitioner under Section 15(1) of the Act with respect to his mental and physical capacity and



having knowledge of consequences of offence and by order dated 31.7.18 it was found that he could not be tried by children Court treating him to be adult.

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 27.09.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Children Court, Nawadah 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, Nawadah in Narhat P.S. 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 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.

(S. Kumar, J)

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