

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.264 of 2019

Arising Out of PS. Case No.-6 Year-2018 Thana- MAHILA P.S. District- Siwan

Godhan Ram @ Manish Kumar, Under the Guardianship of Father Tarachand Ram, aged about 57 years (Male), S/o Sukhari Ram R/o village- Sarawe, P.S- Siwan Muffasil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Respondent/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 22-05-2020

Heard learned counsel for the petitioner and the learned A.P.P. appearing for the State through Video Conferencing.

The petitioner has preferred this Criminal Revision, under Section 53 of the Juvenile Justice (Care and Protection of Children), Act, 2015, against the Judgment dated 19.11.2018 passed in Criminal Appeal No. 48 of 2018, whereby the learned Additional Sessions Judge-I-cum-Special Judge, Siwan, dismissed the said Criminal Appeal preferred by the petitioner against the order dated 03.05.2018 passed by the Juvenile Justice Board, Siwan, in G.R. No. 632 of 2018, Siwan Mahila P.S. Case No. 6 of 2018 corresponding to Juvenile Trial No. 45 of 2018 registered under Sections 376, 504 and 506/34 of the Indian Penal Code and



Section 4 of the POCSO Act rejecting the prayer for bail of the petitioner.

The prosecution case, in brief, is that at about 2 P.M., on 02.02.2018, Sonam Kumari, daughter of the informant, Sandhya Devi, was served carrot by the petitioner and took her at his house and committed rape. When the informant came to know about the incident then went at the house of the petitioner and made complaint, where mother, brother and other family members of the petitioner started to scuffle with the informant and threatened to kill her.

Learned counsel for the petitioner submits that due to dirty village politics the informant lodged the present case with false allegation. After apprehending by the police, the petitioner was produced before the Juvenile Justice Board, Siwan, where he was declared juvenile assessing his age in between 14 to 15 years. Thereafter, petitioner prayed for bail before the Juvenile Justice Board, Siwan, who rejected the same vide order dated 03.05.2018 and thereafter, petitioner preferred Criminal Appeal No.48 of 2018 against the said order, which was also dismissed vide Judgment dated 19.11.2018 by the learned Additional Sessions Judge, Siwan, illegally against the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) act, 2000.



From perusal of the impugned order, it appears that the learned Additional Sessions Judge-I-cum-Special Judge, Siwan, dismissed the aforesaid Criminal Appeal preferred by the petitioner taking into consideration the nature of offence and also arriving at the conclusion that the release of the petitioner will bring him into association with criminals or expose him.

On bare reading of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000, it appears that a juvenile in conflict with law ordinarily has to be released on bail irrespective of the nature of offence committed by him unless it is shown that there appears reasonable grounds for believing that his release is likely to bring him into association with any known criminals or expose him to moral danger or that his release would defeat the ends of Justice. The impugned Judgment does not disclose about apprehension of court of going of petitioner in the association of known criminals. As such, the refusal of the prayer of bail of the petitioner is unjustified and against the spirit of the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Under the aforesaid facts and circumstances of the case, this Criminal Revision is allowed and the impugned Judgment dated 19.11.2018 passed in Criminal Appeal No. 48 of 2018 by the



learned learned Sessions Judge-I, Siwan, is set aside. The petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Siwan, in connection with G.R. No. 632 of 2018, Siwan Mahila P.S. Case No. 6 of 2018 corresponding to Juvenile Trial No. 45 of 2018. Out of two sureties, one surety must be the father of the petitioner, who will also file an affidavit by way of undertaking to the effect that he will take care of the petitioner so that he may not go in association of unsocial elements.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.05.2020
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