

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.337 of 2020**

Arising Out of PS. Case No.-83 Year-2019 Thana- KASBA District- Purnia

MITHU @ ASFAQUE Son of Md. Mojib @ Late Jahangir Resident of Village - City World School Tikiya Tola, P.S. - Kasba, District - Purnea., through his mother and guardian Asamina Khatoon, W/O Late Jahangir @ Md. Mojib, at Tikapur, P.S. - Kasba, District Purnea at Present resident of Village - City World School Tikiya tola, P.S.- Kasba, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Respondent/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 26-08-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case has been adjudged a juvenile on the alleged date of occurrence. He is seeking setting aside of the order dated 24.01.2020 passed by 1st Additional Sessions Judge cum Special Judge, Purnea in Cr.Appeal No.49 of 2019 (arising out of Kasba P.S. Case No.83 of 2019) for offence under Section 376 I.P.C and 4, 6 POCSO Act and the order passed by the learned court of J.J. Board, Purnea on 21.10.2019 in connection with Kasba P.S. Case No.83 of 2019 whereby and whereunder the learned court have refused to release the petitioner from the remand home.



Learned counsel for the petitioner submits that on the alleged date of occurrence petitioner has been found to be aged about 12 years and 10 months. He is in observation home since 19.04.2019 and the medical examination report of the victim girl specifically states no external or internal injury on the body and further no sign of rape has been found. It is thus submitted that considering the spirit of Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 the reunion of the petitioner with the family is required.

Learned APP for the State has though opposed the prayer for release of the petitioner, but considering the facts and circumstances of the case wherein this Court has noticed that the petitioner has been found to be aged about 12 years and 10 months on the alleged date of occurrence and the medical examination report does not suggest any physical or sexual assault much less any sign of rape and further that the social investigation report of the petitioner shows that he was a student of Class-V at the relevant time and his father has earlier died, but his mother is ready to undertake that the petitioner if released on bail she will continue his study and he would not be allowed to fall in any bad company, this Court sets aside the impugned order and directs release of the petitioner on bail on



furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Purnea in connection with Kasba P.S. Case No.83 of 2019.

The mother of the petitioner shall give an undertaking that she will take care of the education of the petitioner and shall not allow him to fall in bad company. The Child Probation Officer shall also keep on visiting the residence of the petitioner and will submit a periodical statement in this regard to Juvenile Justice Board, Purnea.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

