

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.725 of 2019**

Arising Out of PS. Case No.-30 Year-2018 Thana- MAHILA P.S. District- Sitamarhi

MD. JAMSHAD ANSARI @ JAMSHAD ANSARI @ JAMSHED ANSARI Son of Jafir Ansari Resident of Village- Parihar Sahoraba Tola, Ward No. 7, P.S. Parihar, District- Sitamarhi through his natural guardian (father) namely Jafir Ansari son of Taslim Ansari.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Shankar Kumar,Advocate
For the Respondent/s : Mr.Rajesh Kumar,APP

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

4 10-06-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking to challenge the order dated 26.04.2019 passed in Sitamarhi (Mahilla) P.S. Case No. 30 of 2018, G.R. No. 3126 of 2018, J.J.B. No. 775 of 2019 (State versus Jamshed Ansari) by which the learned Additional District and Sessions 1st cum Special Judge (children court), Sitamarhi has been pleased to reject the prayer for bail of the petitioner who is in observation since 05.03.2019 in connection with Sitamarhi (Mahilla) P.S. Case No. 30 of 2018 for the offences alleged under Sections 376 and 506/34 of the Indian Penal Code.



Learned counsel for the petitioner submits that after 10 days of the alleged occurrence, mother of the victim girl lodged a First Information Report in which she alleged that on 10.07.2018 while her daughter was returning home after cutting grass, all of a sudden this petitioner and the co-accused confined her, closed her mouth and took her in a forest area where they kept her the whole night and committed rape forcibly. In the morning both of them left her and fled away. The victim girl reached her house and narrated the story to her mother whereupon a *Panchayati* was held and it was decided in the said *Panchayati* that this petitioner would have to marry with the victim girl but it was not agreed by the petitioner.

Learned counsel submits that the petitioner has been involved in a completely false case. The victim girl was examined by a medical board and in course of her medical examination no internal and external injury has been found on her body. The doctor has recorded that the victim girl was aged about 17 years and it is very difficult to say whether rape has been committed or not. It is submitted that in course of *Panchayati* no allegation of rape was made. The petitioner has been declared juvenile and the social investigation report says that the petitioner was following normal discipline and was helping his family in stitching of bag. Further the neighbours did not make any complain against the petitioner.

Learned counsel submits that the father of the petitioner is ready to furnish an undertaking that if released on bail he will take



care of the petitioner and will not allow him to come in contact with any bad element.

Learned APP for the State has opposed the prayer for bail of the petitioner and it is submitted that there is an allegation of rape against him.

Having heard learned counsel for the petitioner and learned APP for the State as also on perusal of the social investigation report, taking note of his submission that First Information Report in this case has been lodged on 20.07.2018 after 10 days of the alleged occurrence, the victim girl has stated that she was kept whole night in confinement, still family members of the victim girl could not report it to the police station and in course of *Panchayati* the allegation of rape was not disclosed, the medical report is not categorical about commission of rape and further the contention of the learned counsel for the petitioner that pressure was being built upon the petitioner to marry the victim girl and because the family of the petitioner was not agreeing with the proposal the present case has been lodged as also that petitioner has remained in the observation home since 05.03.2019 and it is in the interest of the juvenile to connect him with his family, this Court set aside the impugned order and directs release of the petitioner on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions 1st cum



Special Judge (Children Court), Sitamarhi in connection with Sitamarhi (Mahilla) P.S. Case No. 30 of 2018, G.R. No. 3126 of 2018, J.J.B. No. 775 of 2019, subject to condition that the father of the petitioner shall furnish and undertaking that he will abide by his undertaking and would protect the petitioner from falling in bad company. The petitioner is placed under the supervision of the Probation Officer.

The application is allowed.

(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'.

