

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.973 of 2019

Arising Out of PS. Case No.-24 Year-2018 Thana- MAHILA P.S. District- Lakhisarai

CHHOTU KUMAR Son of Sri Bhaso Saw Resident of Village - Makdampur,
P.S.- Lakhisarai, Distt.- Lakhisarai (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Krishna Mohan Murari, Advocate
For the Respondent/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case has been declared juvenile. He is seeking his release from the observation home in connection with Lakhisarai Mahila P.S. Case No. 24 of 2018 registered under Section 376 of the Indian Penal Code and Section 6 of Prevention of Child from Sexual Offences Act, 2012.

Learned counsel for the petitioner submits that although the allegation against the petitioner is that he had on the pretext of taking the victim girl to a the school on his motorcycle took her to a lonely place and then committed rape on her on 15th August, 2018, the alleged occurrence was reported after about 5 days. The medical examination of the victim girl did not suggest any sign of struggle or violence over



her and the doctor opined that there is no sign of external as well as internal sexual assault but the intercourse could not be excluded.

Learned counsel submits that the petitioner is a juvenile, there is no direct evidence against him and further the social investigation report of the petitioner discloses that he was living with his family with love and care from his parents, he happens to be a student of Class VIII in the Upgraded Middle School, Makhdumpur and the headmaster of the school and his teachers have stated that the petitioner was having good conduct and there was no complaint against him. He has not been found in any bad company. Some persons suggested that there was love affair as both the boy and victim girl were studying in the same school and in this connection two letters showing that those were with respect to the love and affection between them, though there is no any signature on those letters shown to the Child Protection Officer who has submitted the report. The Protection Officer recommended that there are chances of reforms in the petitioner. In the statement under Section 164 Cr.P.C. she has accepted her love affair with the petitioner.

Learned APP for the State has submitted that the petitioner being a juvenile and the social investigation report



emphatically showing that he was not having bad company and it may be a matter of love affair between the parties, this Court may consider the prayer on the basis of the records.

Considering the facts and circumstances of the case particularly that the petitioner has been declared juvenile and the statement of the victim girl under Section 164 Cr.P.C. in which she has admitted that she was studying with this petitioner in the same school and she was also having love affair with him and then in her statement she has completely changed her version and has in fact stated to have entered into the relationship with her own sweet will and consent and then the fact that the social investigation report has stated that the petitioner was having good conduct with his teachers and no absurdity was found in his behavioural pattern as also that there are chance of reforms, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 24 of 2018.

(Rajeev Ranjan Prasad, J)

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