

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1291 of 2019

Arising Out of PS. Case No.-196 Year-2019 Thana- BARHARIA District- Siwan

NITISH KUMAR @ NITESH KUMAR Son of Baliram Sah Resident of Village - Piprahi, P.S. - Badharia, District - Siwan, Under Guardianship and Natural Guardian of his father namely Baliram Sah aged about 43 years, Gender - Male, Son of Narsinh Sah, Resident of Village - Piprahi, P.S. - Badharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Respondent/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 09-01-2020 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 20.08.2019 passed by learned 1st Additional Sessions Judge, Siwan in Cr. Appeal No. 41 of 2019 by which the appeal of the petitioner for grant of bail against order dated 27.06.2019 passed by learned Juvenile Justice Board, Siwan in J.E. Case No. 164 of 2019 corresponding to G.R. Case No. 23 of 2019 arising out of Badharia P.S. Case No. 196 of 2019 has been dismissed.

Informant is the mother of victim, who in her written complaint has alleged that on 06.06.2019 at about 7.30 PM when her minor daughter namely, Rumi Khatoon had gone to



attend the call of nature, then petitioner alongwith other co-accused caught her and committed rape upon her on the point of knife.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to animosity and village rivalry. It has been further submitted that occurrence took place on 06.06.2019 whereas FIR was lodged on 09.06.2019 after delay of three days without any explanation. Petitioner has no criminal antecedent and he is in custody since 10.06.2019.

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 been further submitted on behalf of the 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 20.08.2019 passed by learned 1st Additional Sessions Judge, Siwan in Cr. Appeal No. 41 of 2019 as well as order dated 27.06.2019 passed by learned Juvenile Justice Board, Siwan in J.E. Case No. 164 of 2019



corresponding to G.R. Case No. 23 of 2019 arising out of Badharia P.S. Case No. 196 of 2019 are set aside.

The petitioner, above named, is directed to be released from the Remand Home on his furnishing bail bond of Rs. 20,000/- (Rupees twenty Thousand) with two sureties of like amount each to the satisfaction of Juvenile Justice Board, Siwan, in connection with J.E. Case No. 164 of 2019 corresponding to G.R. Case No. 23 of 2019 arising out of Badharia P.S. Case No. 196 of 2019, subject to 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 Officer-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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