

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.1490 of 2019**

Arising Out of PS. Case No.-165 Year-2019 Thana- RAGHUNATHPUR District- Siwan

Chintu Gond, Son of Shiwji Gond @ Shivji, Resident of Village- Asaon Utar, Gond Toli, P.S.- Asaon, District- Siwan, Under Guardianship and Natural Guardian of His Father namely Shiwji Gond @ Shivjee aged about 58 years, Gender- Male, Son of Sitaram, R/o Village- Asaon, P.S.- Asaon, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Respondent/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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

4 13-07-2020 Heard learned counsel for the petitioner and Mr. Dr.Mrityunjaya Kumar Gautam, learned APP for the State.

The petitioner in the present case has been adjudged juvenile who is seeking setting aside of the judgment and order dated 08.11.2019 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Siwan in Cri. Appeal No. 68 of 2019 in connection with G.R. Case 40 of 2019 arising out of Raghunathpur P.S. Case No.165 of 2019 corresponding to J.E. Case No.263/2019 registered for the offence under Sections 363, 366A/34 of the Indian Penal Code and Section 4 of POCSO Act.

The petitioner in the present case has allegedly fled



away with the minor daughter of the informant while she had gone to visit a Mela in the local area. The victim girl has returned and after few days this fact came to the notice of the investigating officer who took her for her statement under Section 164 Cr.P.C. In her statement under Section 164 Cr.P.C. the victim girl had though alleged the involvement of this petitioner in taking her away but she has not alleged any act of sexual assault against the petitioner.

Learned counsel for the petitioner submits that in course of investigation the sister of the victim girl has made a statement in which she has stated that her sister (victim girl) was talking to this petitioner on mobile. In her own statement the victim girl has stated before the investigating officer that she had gone to Delhi with the petitioner where she stayed with him for two days and on 06.08.2019 i.e. after two days of the alleged occurrence, this petitioner brought her to Siwan railway station where he left her and thereafter she was sent to her maternal uncle's place (Nanihal). She came back to her village from her Nanihal on 21.08.2019.

Learned counsel submits that the story as alleged has got many inconsistencies, moreover petitioner is a juvenile and is in observation home for about ten months. The enquiry has



not yet been completed, the petitioner has no criminal antecedent and his father is ready to give undertaking that if released on bail he would not allow him to fall in any bad company.

Learned APP for the State submits that considering that the petitioner is a juvenile as adjudged by the learned Juvenile Justice Board in its order dated 08.11.2019, this Court may pass an appropriate order keeping in view the best interest of the juvenile.

Having regard to the facts and circumstances of the case where the petitioner has been adjudged juvenile, he has no prior history of committing any crime and the case diary reveals that he had developed some sort of acquaintance with the victim girl and then the victim girl has not alleged in her statement anywhere that the petitioner has committed any sexual assault and further considering that the best interest of the child would be to reunite with his family where his emotional care may also be taken besides that he may get engaged in his family business as he was doing earlier, this Court 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, Siwan in



connection with G.R. Case No.40 of 2019 arising out of Raghunathpur P.S. Case No.165 of 2019 corresponding to J.E. Case No.263/2019.

Subject to condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

Further condition that one of the sureties would be his father and the father will also furnish an undertaking in prescribed form in accordance with the rule that he would not allow the petitioner to fall in any bad company. The probation officer is also directed to keep on visiting the place of the petitioner and submit periodical reports to the Juvenile Justice Board.

The 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'.

