

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.38 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- BELHAR District- Banka

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Amit Kumar @ Chhotu @ Amit Kumar Pandit Son Of Krishna Kumar Pnadit
@ Krishnadeo Pandit R/o village- Bara, P.S.- Belhar, District- Banka. (under
guardianship of Dashrath Pandit, who is father-in-law of brother of petitioner)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.
For the Respondent/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-03-2021 Heard the learned counsel for the petitioner and

Sri Ashok Kumar, learned APP for the State.

The present revision application has been preferred against the order dated 08.12.2020 passed by the learned court of Additional Sessions Judge-VI-cum- Special Judge (POCSO), Banka in G.R. No. 76 of 2020 (arising out of Belhar P.S. Case No. 211 of 2020, registered against the petitioner and others for the offence punishable under Sections 376, 506/34 of the Indian Penal Code and Section 4 of POCSO Act), whereby and where-under the learned Special Court (POCSO) has rejected the prayer of the petitioner for grant of bail.

The case of the prosecution in brief is that the petitioner had allured the victim girl i.e. the informant of the



present case and on the pretext of solemnizing marriage, he had established sexual relationship with the informant whereupon she became pregnant, however, subsequently the petitioner refused to marry her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is languishing in observation home since 07.07.2020. It is also submitted that the petitioner was declared juvenile by an order dated 24.08.2020 passed by the learned Additional Sessions Judge-VI, Banka and he has been declared to be 17 years, 9 month and 16 days of age as on the date of occurrence.

Per contra, the learned APP for the State has submitted, by referring to the materials available in the case diary as also by referring to the statement made by the victim girl under section 164 Cr. P.C. before the learned Magistrate, that the complicity of the petitioner in the alleged crime is admitted and moreover, the victim girl is minor, hence, considering the fact that the petitioner has engaged in a heinous crime and his age, as on the date of occurrence, is bordering 18



years as also his mental and physical capacity are fully developed, it would definitely defeat the ends of justice in case the petitioner is granted bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case dairy, apart from considering the submissions advanced by the learned APP appearing for the State, as recorded herein above in the preceding paragraph, this Court finds that the complicity of the petitioner is writ large on the records and a *prima facie* case is definitely made out as against the petitioner for the offence alleged and moreover, this Court is of the view that release of the petitioner on bail would definitely defeat the ends of justice, hence, I do not find any reason to grant the privilege of bail to the petitioner herein, thus, the present revision petition stands dismissed being bereft of any merit.

(Mohit Kumar Shah, J)

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