

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.350 of 2020

Arising Out of PS. Case No.-92 Year-2019 Thana- KAMTAUL District- Darbhanga

MD. MINHAJ Son of Md. Gulam Rasool @ Rasul Kujara Resident of Village - Khajurewara, P.S.- Kamtaul, Distt.- Darbhanga, through father, Natrual guardian, Md. Gulam Rasool @ Rasul Jujara, aged about 81 Year M, S/o Late Vilat Kujara, R/o Vill- Khajurwara Via Jahangir Tola Jogiara, P.S.- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv.
For the Respondent/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-03-2021 Heard the learned counsel for the
appellant and Sri Ashok Kumar, learned APP for the
State.

The present revision application has been preferred against the order dated 19.02.2020 passed by learned court of 1st Additional Session Judge, Darbhanga, Bihar in Criminal Appeal No. 09 of 2020 as well as the order dated 17.01.2020 passed by learned Juvenile Justice Board, Darbhanga in Inquiry Case No. 618 of 2019, arising out of Kamtaul P.S. Case No. 92 of 2019, whereby and whereunder the learned Juvenile Justice Board,



Darbhanga has rejected the prayer for bail of the petitioner under Juvenile Justice (Care & Protection of Children) Act, which the learned appellate court has upheld under the order dated 19.02.2020.

The allegation is regarding the petitioner having repeatedly raped the minor victim girl and when she became pregnant, the petitioner is stated to have administered some medicines to her for the purposes of termination of her pregnancy.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is languishing in observation home since 17.09.2019 and he has been declared juvenile by an order dated 14.01.2020, hence, mercy be shown to the petitioner inasmuch as he has been falsely implicated on account of personal enmity amongst the parties.

Per contra, the learned APP for the State has



submitted that there are ample materials available in the case dairy to show the complicity of the petitioner in the alleged heinous crime committed by him and moreover, the criminal act of the petitioner shows that the mind of the petitioner is fully developed. The learned APP for the State has also referred to Section 12 sub-Section (1) of the Juvenile Justice Act, 2015 and has submitted that the petitioner should not be released on bail inasmuch as his release would definitely defeat the ends of justice.

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, this Court finds that there are ample materials available on record to prima facie show the complicity of the petitioner in the alleged crime, hence, I do not find any merit in the present petition, especially on account of the fact that release of the petitioner on bail would definitely defeat the ends of justice,



thus, the present revision petition stands dismissed.

The trial court is directed to expedite the trial, in case the same has commenced.

(Mohit Kumar Shah, J)

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