

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.457 of 2021

Arising Out of PS. Case No.-214 Year-2020 Thana- BARHIYA District- Lakhisarai

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Isha Imam @ Md. Isha Imam S/o- Md. Ilayas Ansari @ Md. Iliyas Resident of Purani Chawani, English, Barahiya, Ward No. 19, P.S. - Barahiya, District - Lakhisarai through his under guardianship namely Md. Ilayas Ansari @ Md. Iliyas S/o- Md. Mokid, Resident of Purani Chawani, English, Barahiya, Ward No. 19, P.S. - Barahiya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi
For the Respondent/s : Mr.Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 23-08-2021 Heard learned counsel for the parties through video conferencing.

This criminal revision application has been filed against order dated 26.02.2021 passed in G.R. Case No. 1407 of 2020 (arising out of Barahya P.S. Case No. 214 of 2020) by the Juvenile Justice Board, Lakhisarai and order dated 24.06.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Lakhisarai in Cr. Appeal No. 12 of 2021, by which, the bail application of the petitioner has been rejected.

As per the prosecution case, this petitioner is alleged to have enticed the minor daughter of the informant for the purpose of marriage.



It is submitted on behalf of the petitioner that the petitioner has been declared juvenile by the Juvenile Justice Board, Lakhisarai on 17.02.2021. It is further submitted that in her statement recorded under Section 164 Cr.P.C., the victim girl has not supported the prosecution case and has stated that she, out of her own will, left the house with the petitioner.

It is further submitted on behalf of petitioner that the bail application of the petitioner in conflict with law has been rejected by the court below taking into consideration the nature and gravity of the offence, which is against the statutory mandate of Section 12 of the Juvenile Justice Act and there is no material on record to suggest that any of the grounds enumerated in Section 12 of the Juvenile Justice Act exists in this case and without calling for social investigation report or any other report, the bail application of petitioner has been rejected. The observation of the court below that the release of the petitioner would bring him into association with any known criminal or expose him to moral moral, physical or psychological danger or would defeat the ends of justice is without any material. Petitioner has got clean antecedent and he is in custody since 19.09.2020.

Considering the aforesaid facts and circumstances, the



order dated 26.02.2021 passed in G.R. Case No. 1407 of 2020 (arising out of Barahya P.S. Case No. 214 of 2020) by the Juvenile Justice Board, Lakhisarai ***and*** order dated 24.06.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Lakhisarai in Cr. Appeal No. 12 of 2021 are, hereby, set aside and this criminal revision petition is allowed.

Accordingly, the above-named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction learned Juvenile Justice Board, Lakhisarai in connection with G.R. Case No. 1407 of 2020 (arising out of Barahya P.S. Case No. 214 of 2020), subject to condition that ***one of the bailor would be father of the petitioner, who would file an affidavit giving an undertaking to the effect that he will take care of good behaviour and child's well-being and will not allow him to go in the company of bad elements.***

(Prabhat Kumar Singh, J.)

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