

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.410 of 2020

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Araria

MD. HALIM S/o Md. Yunus R/o Village- Jogta, Panchayat Kharsahi, Ward No. -1, P.S.- Raniganj, District- Araria, Under the guardianship of Md Yunus, Son of Late Md. Usman, R/o Village- Jogta, Panchayat Kharsahi, Ward No. -1, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Respondent/s : Mr. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-03-2021 Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, learned APP for the State.

The present revision application has been preferred against the order dated 04.03.2020 passed by the learned court of 1st Additional Session Judge cum Special Judge, Araria in Criminal Appeal No. 04 of 2020 as well as the order dated 04.01.2020 passed by learned court of Principal Magistrate, J.J.B. Araria in G.R. Case No. 197 of 2019 arising out of Araria (Mahila) P.S. Case No. 04 of 2019 whereby and whereunder the learned Juvenile Justice Board, Araria 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 04.03.2020.

The allegation is regarding the accused persons including the petitioner herein having caught hold of the victim lady and having taken her inside the maize field, whereafter they had committed rape with her one by one and then, one of the accused person had twisted her right hand causing fracture injury.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he has no criminal antecedent. The learned counsel for the petitioner has further submitted that the petitioner is languishing in observation home since 08.08.2019. The learned counsel for the petitioner has further submitted that on account of enmity between the parties, the petitioner has been falsely implicated.

Per contra, the learned APP for the State has



referred to the statement made by the victim lady under Section 164 Cr.P.C., before the learned Magistrate, to show that the victim lady has fully supported the prosecution version and has alleged that the accused persons including the petitioner had raped her. It is submitted that the complicity of the petitioner is writ large from the records. The Ld. APP has also referred to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 to submit that the release of the petitioner on bail would defeat the ends of justice, hence bail should not be granted bail to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties 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 defeat the ends of justice, thus, the



present revision petition stands dismissed.

(Mohit Kumar Shah, J)

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