

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1302 of 2019**

Arising Out of PS. Case No.-29 Year-2018 Thana- MAHILA P.S. District- Purnia

MD. DANISH Son of Najim @ Najimuddin, Under guardianship of Najim @  
Najim Uddin Resident of Village- Hakka, P.S.- Amour, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar
2. Asma Khatoon D/o Late Aiyamul Haque, Resident of Village- Hakka, P.S.-  
Amour, District- Purnea.

... .. Respondents

**Appearance :**

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|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr. Nadimul Hasan, Advocate |
| For the Respondent/s | : | Mr. Umesh Lal Verma, APP    |

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

6      01-03-2021                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Present application has been filed for setting aside the order dated 20.08.2019 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Juvenile Court Purnea, District - Purnea by which the learned court has rejected the prayer for regular bail of the petitioner (who is declared as juvenile by the Board) in connection within special juvenile case no. 08 of 2019 arising out of Mahila P.S. Case No. 29 of 2018 registered for the offences punishable under Sections 376 and 34 of the Indian Penal Code and Sections 3, 4, 6 and 8 of POCSO Act.

It appears that on the alleged date of occurrence i.e.



on 18.08.2018 the petitioner was adjudged about 16 years 6 months of age. It further appears that the victim girl had made the allegation that this petitioner and the co-accused had committed rape on her. In course of trial, the prosecution failed to bring clinching materials. The victim girl herself deposed that she did not identify the accused persons and she had never been read over and explained the contents of the First Information Report. She claimed to have put her signature on the asking of Daroga. The mother of the victim girl deposed that she had not made any statement before the police and as such she was declared hostile. The co-accused has been acquitted whereas the trial against this petitioner is still pending. A report from the learned trial court shows that the trial is pending for prosecution evidence and out of 7 prosecution witnesses no witness has been produced till date even though summon has been issued against all the prosecution witnesses on 31.01.2020

It appears from the social investigation report of the Probation Officer that some people in the village told to the Probation Officer that the child and the victim girl were having love affair. The petitioner was a student of class IX at the time of alleged occurrence and in course of inquiry from the neighborhood it has been found that the child and his family has



no criminal antecedent.

Learned APP for the State is present and has though opposed the prayer for bail, however, considering the entire facts and circumstance of the case as noticed hereinabove, this Court sets aside the impugned order and directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Addl Sessions Judge-cum-Special Judge Juvenile Court, Purnea in connection with Special Case No. 8 of 2019 arising out of Mahila P.S. Case No. 29 of 2018. One of the bailors shall be the father of the petitioner who will furnish an undertaking that while on bail he would not allow the petitioner to come in contact with any antisocial element or a person of criminal antecedent. The Probation Officer shall also be vigilant and will periodically submit his report to the Juvenile Justice Board, Purnea as regards the conduct of the petitioner.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

Rishi/-

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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'.

