

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.230 of 2021

Arising Out of PS. Case No.-65 Year-2019 Thana- MAHILA P.S. District- Siwan

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Ankit Kumar, aged about 15 years, Gender-Male, S/O Vijay Kumar Bhagat, R/O Village-Kalyanpur, P.S.-Bhorey, District-Gopalganj under Guardianship of his mother namely Rita Devi (F), aged about 46 Years, W/O Vijay Kumar Bhagat, R/O Village-Kalyanpur, P.S.-Bhorey, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner : Mr. Udit Narayan Singh, Advocate
For the Respondent : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.



This criminal revision application has been preferred against the order dated 27.01.2021, passed by learned Presiding Officer, Juvenile Judge-cum-Ist-Additional Sessions Judge, Siwan, in Criminal Appeal No. 31 of 2020, whereby the appeal filed by the petitioner was dismissed against the order dated 09.11.2020, passed by learned Juvenile Justice Board, Siwan, whereby and whereunder the Juvenile Justice Board, Siwan, has rejected the prayer for bail of the petitioner in connection with J.E. 87/20, arising out of Mahila (Siwan) P.S. Case No. 65/2019 registered under Sections 376 of the I.P.C. and Sections 4, 6 and 8 of the POCSO Act.

The facts of the case, in brief, is that on 27.08.2019, the petitioner took the daughter of the informant in a room and committed rape upon her.

Learned counsel for the petitioner submits that the petitioner is a juvenile and is in Remand Home since 31.08.2019. The petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Charge sheet has been submitted in the present case.

Learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner. The petitioner is



named in the F.I.R. The victim has been subjected to rape by the petitioner. When the victim has gained conscious, her statement under Section 164 Cr. P.C. has been recorded where she has supported the allegation made in the F.I.R. The medical examination report of the victim suggests that there is injury on her private part. It has further been pointed out that the release of the petitioner would defeat the ends of justice.

Having regard to the facts and circumstances of the case, Social Investigation Report of the petitioner was called for from the concerned Probation Officer by order dated 08.12.2021. The Probation Officer in his report has stated that proper counselling of child is required to keep himself away from notorious activities and also for his psychological improvement. No criminal antecedent has been yet to known against this family but the petitioner may indulge in heinous nature offence. The reason or contributing factors for the offence seems age factor and prurient interest.

Considering the aforesaid facts and circumstances and the findings of the Probation Officer made in the Social Investigation Report of the petitioner, I find no reason to interfere with the order dated 27.01.2021, passed by the Presiding Officer, Juvenile Judge-cum-Ist Additional Sessions



Judge, Siwan, in Cr. Appeal No. 31/2020 and the same is affirmed. The present revision application is dismissed.

Learned Juvenile Justice Board, Siwan, is directed to take all necessary steps to expedite the trial, taking into account that the petitioner is in Remand Home since 31.08.2019.

(Sudhir Singh, J)

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