

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.755 of 2021

Arising Out of PS. Case No.-113 Year-2021 Thana- TURKAULIYA District- East Champaran

XXX Through Sk. Sakur @ Sk. Mahto, S/o Sk. Refakat in the capacity of Father, Natural guardian of Minor who has been declared minor by the juvenile Justice Board, Resident of Village- Shankar Saraiya, Fateh Tola, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.

For the Respondent/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-06-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner in the present case is seeking setting aside of the order dated 04.10.2021 passed by the learned 1st Additional Session Judge, East Champaran, Motihari in Criminal Appeal No.26 of 2021, Trial No.1173/2021 arising out of Turkaulia P.S. Case No.113/2021 under Sections 323, 341, 363, 366A, 372, 504 and 506/34 of the Indian Penal Code and Section 8 of the POCSO Act whereby and



whereunder the learned 1st Additional Sessions Judge, East Champaran, Motihari rejected the prayer for bail of the petitioner and confirmed the order dated 09.08.2021 passed by the learned J.J.B., East Champaran, Motihari.

Learned counsel for the petitioner submits that as per the prosecution story, the four named accused persons had kidnapped his daughter aged about 16 years with an intention to marry her. This petitioner is one of them. It is alleged that the alleged occurrence took place on 05.02.2021 and thereafter on 09.02.2021 at about 8.00 PM the petitioner was handed over to police.

Learned counsel for the petitioner submits that it is a case of love affair between the daughter of the informant and the petitioner. The petitioner had been adjudged juvenile aged about 14 years 9 months and 1 day on the alleged date of occurrence. The victim girl has returned home but her statement has not been recorded before a learned Magistrate. It is submitted that the petitioner has no criminal antecedent and at this stage his father is ready to stand as surety as well as to furnish an undertaking that if released on bail he will not allow the



petitioner to fall in the bad company.

Learned APP for the State has opposed the prayer for bail of the petitioner as according to him the social investigation report says that the petitioner lacks discipline.

Having regard to the submissions noted hereinabove and on finding that the petitioner has been adjudged juvenile of less than 16 years and the alleged occurrence is said to have taken place on 05.02.2021 whereas the FIR has been lodged on 09.02.2021, the victim girl has returned and this petitioner being a juvenile his father is ready to stand as surety as well as to furnish an undertaking that if released on bail he will not allow the petitioner to fall in the bad company, this Court sets aside the impugned order and directs release of the petitioner above named 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 Juvenile Justice Board, East Champaran, Motihari in connection with Trial No.1173/2021 arising out of Turkaulia P.S. Case No.113/2021. One of the bailors should be the father of the petitioner and he will also furnish an undertaking that if



released on bail he will not allow the petitioner to fall in the bad company.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, East Champaran, Motihari as regards the conduct of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

