

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.754 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- KASBA District- Purnia

XXX Son of Md. Nur Alam Resident of Village- Lawarbari Khorbari, P.S.-
Kasba, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Anand, Advocate
For the Respondent/s	:	Mr.Bharat Lal, APP
For the Informant	:	Mr. Ram Pravesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-06-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside
of the judgment/order dated 02.11.2021 passed by learned 1st
Additional Sessions Judge – cum – Special Judge, Purnea in Cr.
Appeal No. 12 of 2021/CIS No. 12 of 2021 in connection with
G.R. No. 3793 of 2020 arising out of Kasba P.S. Case No. 160
of 2020 registered for the offence under Section 376 of the
Indian Penal Code, subsequently added section 4 of the POCSO
Act.

Learned counsel for the petitioner submits that in this
case the petitioner has been adjudged juvenile aged about 14
years 22 days on the alleged date of occurrence whereas from
the F.I.R. itself it will appear that the informant claims her age



as 26 years. In the F.I.R., she has claimed that this petitioner is aged about 20-21 years. Learned counsel further submits that as per the allegation this petitioner had committed rape upon the victim/informant whereafter when she started crying this petitioner promised her to marry and on that pretext he committed rape with the informant during the lockdown on several occasions. It is alleged that the informant became pregnant and she disclosed this fact to her parents.

Learned counsel submits that the allegations are false and flimsy and the petitioner who has been found a juvenile aged about 14 years 22 days cannot overpower the victim girl who herself claimed her age as 26 years.

Learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for bail of the petitioner. Learned A.P.P. has informed this court that in the medical examination the victim has been found aged about 16-17 years only. It is also informed that the victim girl has delivered a child and at this stage if the petitioner is released on bail, he is likely to be exposed to the anger of the society which is not in his interest to be released on bail at this stage.

It is further informed that the J.J.B., Purnea has already started an inquiry in the matter and four witnesses have



been examined so far, the inquiry is also likely to come to an end very soon.

Having regard to the submissions noted hereinabove and taking note of the kind of allegations and the social circumstances, this Court agrees with the submission of learned A.P.P. for the State that the release of the petitioner at this stage may expose him to the anger of the society and at this stage his interest lies in keeping him in the observation home itself. The petitioner has already remained in the observation home for more than one and half year, therefore, the J.J.B., Purnea is directed to complete the inquiry and pass an appropriate order in accordance with law within a period of six months from the date of communication of this order.

If the inquiry remains unconcluded during this period, it will be open for the petitioner to make an application before the J.J.B., Purnea for release which will be considered afresh on the basis of the materials and submissions available before the Juvenile Justice Board, Purnea.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

