

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.136 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- PUNAURA District- Sitamarhi

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Amit Kumar S/O Lalbabu Sah @ Lalbaboo Sah R/v- Maniyari, P.S.- Panaura,
District- Sitamarhi, Bihar through its father Lal Babu Sah @ Lalbaboo Sah,
S/o Sukhdev Sah aged about 49 years, male, R/v- Maniyari, P.S.- Panaura,
District- Sitamarhi, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pramod Singh Son of Shri Jitu Singh R/V- Maniyari, PS- Punaura Dist-
Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. With
	:	Mr. Kumar Rajdeep, Adv.
	:	Ms. Diksha Kumari, Adv.
For the State/s	:	Mr. Jagdher Prasad, APP
For the Opposite Party/s	:	Mr. Ashok Kr. Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

- 3 04-05-2023 Learned counsel for the petitioner seeks permission to correct the Paragraph-1 of the petition as only order passed by Presiding Officer, Children Court -cum- Addl. District & Sessions Judge- 1st has been challenged whereas the order of J.J. Board, Sitamarhi passed on 21.10.2022 in J.J.B. Case No.1649 of 2022 has not been challenged. He seeks permission to correct Paragraph-1 of prayer portion of the petition.

Permission granted and correct the same in course of the day.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The present criminal revision application has been filed for setting aside the judgment dated 01.12.2022 passed by learned Presiding Officer, Children Court -cum- Addl. District & Sessions Judge-1st, Sitamarhi, in Cr. Appeal No. 77 of 2022, and order dated 21.10.2022 passed by J.J. Board, Sitamarhi in J.J.B. Case No.1649 of 2022 arising out of Punaura P.S. Case No. 181 of 2022 lodged under Sections 341, 348, 354A, 354D, 323, 506 of the I.P.C. read with Section 4/8 of POCSO Act.

Learned counsel for petitioner submits that the petitioner was declared juvenile by J.J. Board. From the content of F.I.R., it transpires that the allegation to attempt of rape is there on the petitioner. It has also come that petitioner was following the daughter of the informant since last two years. On this ground, this case has been lodged.

Counsel for petitioner submits that petitioner is juvenile and presumption of innocence is in his favour. Counsel submits that the father of the petitioner is ready to submit his undertaking that he shall take every care of the petitioner so that in future, he shall not involve in any criminal activities.

Counsel submits that petitioner is in remand home since 26.07.2022.

Counsel for State submits that provisional bail has been granted to the petitioner vide order dated 22.03.2023 and one more undertaking is required so that in future, he may not commit such mistakes.

In the present facts and circumstances, this Court directs that the petitioner along with his father shall visit to the Probationer Officer periodically twice in a month. Petitioner is also directed that he shall visit before the J.J. Board, Sitamarhi as and when ordered.

With this direction, the provisional bail granted to the petitioner is hereby confirmed and the judgment dated 01.12.2022 passed by learned Presiding Officer, Children Court -cum- Addl. District & Sessions Judge-1st, Sitamarhi, in Cr. Appeal No. 77 of 2022 and order dated 21.10.2022 passed by learned J.J.B., Sitamarhi in J.J. B. Case No.1649 of 2022 arising out of Punaura P.S. Case No. 181 of 2022 are hereby set aside.

(Dr. Anshuman, J.)

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