

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.532 of 2022

Arising Out of PS. Case No.-14 Year-2020 Thana- MAHILA PS District- Gaya

Neru Ansari @ Noor Alam (Male), aged about 17 years, Son of Late Nasir Ansari, Resident of Village - Mubarakpur, Police Station- Magadh University, District - Gaya (Bihar), Under the guardianship of his mother namely shahnaj Vegam, wife of Late Nasir Ansari, Resident of Village - Mubarakpur, Police Station- Magadh University, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.
For the Respondent/s : Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 07-04-2023

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

The present Cr. Revision Application has been filed
against the judgment dated 21.06.2022 passed by learned
Additional Sessions Judge-cum-Presiding Officer, Children
Court, Gaya in Criminal Appeal (Juvenile) Case No. 13 of 2022
arising out of Mahila P.S. Case No. 14 of 2020 (POCSO Case
No. 118 of 2020, Misc. No. 339 of 2021) lodged under Section
376 of the Indian Penal Code read with Section 4/6 of POCSO
Act and the order dated 23.04.2022 passed by learned Juvenile
Justice Board, Gaya in Mahila P.S. Case No. 14 of 2020
(POCSO Case No. 118 of 2020, Misc. No. 339 of 2021).



Learned counsel for the petitioner submits that F.I.R. has been filed by the mother of the alleged victim. He further submits that the petitioner has been declared juvenile and in the rejection order dated 23.04.2022 passed by Juvenile Justice Board, Gaya the statement of alleged victim under Section 164 of Cr.P.C. was there, in which, it has come that the physical relation was developed between the petitioner and the alleged victim with her consent and the petitioner did not forced upon the victim. Counsel for petitioner further submits that the father of petitioner is no more and mother of petitioner is ready to file undertaking on behalf of petitioner. He further submits that in the case of ***Lalu Kumar Vs. State of Bihar reported in (2019) 4 PLJR 833*** there is a specific guideline that only in exceptional circumstances the bail of juvenile may be rejected. Here the present case has been filed under Section 376 of I.P.C. but the statement of victim herself, if considered, then no offence under Section 376 of I.P.C. is made out against the petitioner.

As per the basic principle applicable in the juvenile matter, a juvenile is considered to be innocence i.e. presumption of innocence is always in favour of juvenile.

In this view of the matter, let the petitioner be



released from observation home on the undertaking given by his mother that she shall take care and petitioner shall not involve in such type of activities in future.

Condition is hereby also imposed that the petitioner alongwith his mother shall visit twice in a month i.e. on every 15 days before the Probationer Officer.

With this observation, the present Cr. Revision Application stands allowed and the judgment dated 21.06.2022 passed by Additional Sessions Judge-cum-Presiding Officer, Children Court, Gaya in Criminal Appeal (Juvenile) Case No. 13 of 2022 arising out of Mahila P.S. Case No. 14 of 2020 (POCSO Case No. 118 of 2020, Misc. No. 339 of 2021) and the order dated 23.04.2022 passed by learned Juvenile Justice Board, Gaya in Mahila P.S. Case No. 14 of 2020 (POCSO Case No. 118 of 2020, Misc. No. 339 of 2021) are hereby set-aside.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

