

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.538 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- PHULPARAS District- Madhubani

XXX son of Gauri Shankar Sah Village- Parari PS- Marauna Dist- Supaul
under G/o- Gouri Shanker Sah Village- Parari PS- Marauna Dist- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate
For the Respondent/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner in the present case is seeking setting aside of the order dated 03.04.2023 passed by learned In-Charge Additional District and Sessions Judge-cum-Juvenile Judge, Madhubani in connection with E.N. No. 994 of 2023 whereby and whereunder the order dated 22.03.2023 passed by learned Juvenile Justice Board, Madhubani in connection with E.N. No. 994 of 2023 arising out of Phulparas P.S. Case No. 241 of 2022 registered for the offences under Sections 341, 323, 376, 420 and 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act has been affirmed.

3. As per the prosecution story, on 06.05.2022 this petitioner has raped the informant's daughter with the help of



other accused persons and when the informant along with his son reached there, it is alleged that Birju Mandal and Pano Devi attacked them by the end of *lathi* and took away this petitioner with them.

4. Learned counsel for the petitioner submits that it is a case of false implication of petitioner and it has transpired in the report of the Probation Officer that the petitioner and the victim girl were in love which came to the notice of the parents of the victim girl who pressurised the family of the petitioner to solemnise marriage between the petitioner and the victim girl but because the family of the petitioner refused to do so, the present case has been lodged.

5. Learned counsel submits that the Medical Board has examined the victim girl but found no medical evidence of sexual assault. It is further submitted that the petitioner is in the observation home since 22.03.2023, he has got no criminal antecedent, he comes from a good family background and if released on bail, his parents would take care of him and shall not allow the petitioner to fall in bad company. Petitioner has been adjudged juvenile aged about sixteen years and four months.

6. Learned A.P.P. for the State has placed before this Court a copy of the social background report and submits that the Probation Officer has categorically stated that there was a



love affair between the petitioner and the victim girl, they were talking to each other on mobile and when this fact came to the notice of the family of the victim girl, they tried to put pressure upon the petitioner to solemnise marriage and when the marriage could not be arranged, the present case has been lodged. It is submitted that there is no adverse material against the petitioner in the social background report.

7. Having regard to the facts and circumstances of the case and the submissions noted hereinabove, 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, Madhubani in connection with E.N. No. 994 of 2023 arising out of Phulparas P.S. Case No. 241 of 2022.

8. And further condition that one of the sureties shall be the father of the petitioner who will also furnish an undertaking that if released on bail, the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, he will inform it to the concerned jurisdictional police station.

9. And it is further ordered that the Probation Officer



attached to the Juvenile Justice Board, Madhubani shall keep a vigil over the petitioner and will be submitting his periodical reports to the Juvenile Justice Board, Madhubani as regards the conduct of the petitioner.

(Rajeev Ranjan Prasad, J)

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