

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.249 of 2024

Arising Out of PS. Case No.-198 Year-2022 Thana- PHULWARIA District- Begusarai

MD. SHAHID @ SAID @ MD. SAID ALAM SON OF MD. HAIDAR
RESIDENT OF VILLAGE - SHOKHARA, WARD NO.12, POLICE
STATION - PHULWARIA, DISTRICT - BEGUSARAI THROUGH ITS
LEGAL GUARDIAN NAMELY MAIMUN KHATOON, WIFE OF MD.
HAIDAR, RESIDENT OF VILLAGE - SHOKHARA, WARD NO.12,
POLICE STATION - PHULWARIA, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal
		Mr. Raj Kumar Sinha
For the Respondent/s	:	Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 03-10-2024

Heard learned counsel for the petitioner and
learned counsel for the State. No one appears on behalf of the
informant although *Vakalatnama* has been filed on his behalf.

2. This revision petition has been preferred by the
petitioner (juvenile) being aggrieved with the judgment dated
17.01.2024 passed by the Additional Sessions Judge-I-cum-
Presiding Officer, Children Court, Begusarai in connection with
Cr. Appeal No. 28 of 2023 affirming the order passed by the
Juvenile Justice Board, Begusarai in J.J.B. Case No. 193 of
2023 dated 16.06.2023 and rejected the prayer of bail of the
petitioner.



3. The case of prosecution is that when the informant of the case went to participate last ritual ceremony of his relative after leaving his daughter aged about 17 years alone in his house, allegedly his neighbour applicant entered in the house and forcibly committed rape upon the victim girl. It is further alleged that on being sought by the victim girl, his neighbour Juhi Khatun and Najrana Khatun reached at the spot. Thereafter, the applicant-petitioner fled away from the spot.

4. On the basis of the written complaint made by the informant, the first information report was registered against the applicant for the offences punishable under Sections 341, 323, 504, 506, 376, 34 of the Indian Penal Code and Section 3/4 of the POCSO Act.

5. During course of investigation, the applicant-petitioner is taken into custody on 13.05.2023 and since then he is in observation home.

6. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case due to family dispute. It is further submitted that first information report has been lodged after seven days of the alleged incident and the delay has not been explained. He submits that Social Investigation Report also shows that initially



the family of the victim girl wanted to marry the victim girl to the petitioner and when the family of the petitioner refused then they put pressure upon them and first information report has been lodged against the petitioner. Lastly, he submits that there is no criminal antecedent against the petitioner and the petitioner is in observation home since 13.05.2023. Therefore, it is prayed by the learned counsel for the petitioner that the petitioner-applicant may be released on bail.

7. Learned counsel appearing on behalf of the State opposes the above submissions raised by the learned counsel for the petitioner.

8. Having considered the above facts and circumstances of the case and the submissions made on behalf of the learned counsels for the parties, I am inclined to allow the application of the applicant. Accordingly, the prayer for bail of the applicant is allowed. The order dated 17.01.2024 passed by the Additional Sessions Judge-I-cum-Presiding Officer, Children Court, Begusarai in Cr. Appeal No. 28 of 2023 arising out of Fulwaria P.S. Case No. 198 of 2022 and the order dated 16.06.2023 passed by the Juvenile Justice Board, Begusarai are, hereby, set aside.

7. Let the above named petitioner-applicant be



released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Begusarai in connection with J.J.B. Case No. 193 of 2023, subject to the following conditions:-

(i) that one of the bailors shall be father/mother of the petitioner.

(ii) that the father/mother of the petitioner shall file an affidavit before the learned Juvenile Justice Board, Begusarai giving specific undertaking that after release of the petitioner on bail, he/she will take proper care of the petitioner-applicant and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	04.10.2024
Transmission Date	04.10.2024

