

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.429 of 2024**

Arising Out of PS. Case No.-41 Year-2023 Thana- KADWA District- Katihar

Suraj Kumar Roy @ Suraj Kumar Ray S/o Chandan Ray R/o Village-
Nandanpur, P.S.-kadwa, District-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vidyanand yadav S/o Khagendra Yadav R/o Village-Nandanpur, P.S.-kadwa,
District-Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar,Adv
For the Respondent/s	:	Mr.Mukesh Kumar Singh
For the O.P. No. 02	:	Mr. Vivekanand Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 18-10-2024 1. This revision petition has been preferred by the petitioner(juvenile) being aggrieved with the order dated 22.02.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Katihar and G.R. No. 954/ 2023 arising out of Kadwa P.S. Case No. 41/2023, whereby and whereunder the learned Additional Sessions Judge rejected the prayer of bail of the petitioner/accused.

2. According to the case of prosecution, it is alleged that on 20.02.2023 present applicant forcefully taken the victim girl and forcible committed sexual intercourse with her twice/thrice. Father of the victim girl made the report on the basis of which the offence under Sections 363, 366(A) of IPC



and Section 4 of POCSO Act have been registered against the petitioner-accused.

3. It is submitted by learned counsel for the petitioner that petitioner is innocent and falsely implicated in this case. By referring Para-67 of the case diary, it is submitted that there was a love relation between the victim girl and the petitioner, due to that the victim girl herself left her house and joined the company of petitioner. He further submitted that alleged act of forcible intercourse has not been done by the petitioner. Therefore, the victim girl refused to present herself for medical examination. Lastly, he submits that petitioner is in observation home since 25.02.2023. Charge-sheet has been filed and there is no previous antecedent of the applicant. The Social Investigation report does not suggest anything against him. Therefore, the petitioner may be granted benefit of bail.

4. Learned counsel for the State opposes the argument made by the learned counsel for the petitioner.

5. Heard counsel appearing for both the parties perused the documents annexed with the petition as well as the case diary.

6. Perusal of Para-67 of the case diary clearly shows that there was a love relation between both the parties i.e.



applicant and victim girl and they were well connected with each other through mobile phone. Further perusal of the case diary shows that the victim girl herself reached at the Police Station along with the petitioner and thereafter, she denied to present herself for her medical examination.

7. Considering the above facts and circumstances of the case and further considering the detention period of the applicant in this case as also further considering the fact that there is no any criminal antecedent of the present applicant and social investigation also does not suggest anything against him, I am of the view that it is a case where the petitioner should be granted benefit of bail. Accordingly, the application is allowed. The order dated 22.02.2024 passed by the learned Additional Sessions Judge-I-cum-special Judge, SC/ST, Katihar arising out of Kadwa P.S. Case No. 41/2023 are hereby set aside.

8. 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 Additional Sessions Judge-I-cum-special Judge, SC/ST, Katihar in connection with Kadwa P.S. Case No. 41/2023, 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 Additional Sessions Judge-I-cum-special Judge, SC/ST, Katihar giving specific undertaking that after release of the petitioner on bail, he will taken proper care of the petitioner and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

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