

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 433 of 2024

Arising Out of PS. Case No.-839 Year-2023 Thana- KAHALGAON District- Bhagalpur

Abhijit Kumar S/o Shyam Kumar Tanti @ Shaym Tanti R/o vill - ward no. 9
Ladma, Mahesh Munda, P.s. - Kahalgaon, Distt.- Bhagalpur through his father
and legal and natural guardian namely Shyam Kumar Tanti @ Shyam Tanti,
aged about 42 years, S/o Late Sahdev Tanti, R/o vill - ward no. 9, Mahesh
Munda Ladma, P.S - Kahalgaon, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Singh S/o Jay Prakash Mandal R/o vill - Ranipur, P.S. -
Kahalgaon, Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6
For the Respondent/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

5 20-09-2024 Heard.

2 This revision petition has been preferred by the petitioner (juvenile) being aggrieved with the judgment dated 18.03.2024 passed by the learned Additional Sessions Judge I -cum- Special Judge (Children Court), Bhagalpur in Criminal Appeal No 6 of 2024 whereby and where under the learned Appellate Court affirmed the order of the JJB, Bhagalpur dated 25.01.2024 passed in Kahalgaon PS Case No 839 of 2023 registered for the offence punishable under Sections 376/34 of the IPC, Section 4 of the POCSO Act and Section 66 (c) of the IT Act and rejected the prayer for bail of the petitioner.



3 According to the case of the prosecution, allegedly the petitioner along with his sister took the victim girl at the house of their friend and there the sister of the petitioner left them and went away. It was further alleged that thereafter, inside the house, the present petitioner committed forcible sexual intercourse with the victim girl, recorded the objectionable video of the victim girl and also started threatening to make viral the said objectionable video if she does not agree to marry with him. The matter was informed by the victim girl to her father and report was lodged.

4 It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He has no criminal antecedent and he is a student. SI Report also does not state anything against him. Lastly, referring to paragraph 10 of the impugned judgment of the appellate Court, it is submitted by the learned counsel that there was a love affair between the victim girl and the petitioner from the last six months. Therefore, there is a possibility of false implication of the petitioner by the father of the victim girl. It is further submitted that the petitioner is in the Observation Home since 19.07.2023.

5 Learned counsel for the State opposes the prayer for



bail.

6 Considering the fact that SI Report of the petitioner does not suggest anything against him and he is in custody since 19.07.2023, the petitioner is granted the privilege of bail.

7 Accordingly, this revision petition is allowed.

8 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Bhagalpur in Kahalgaon PS Case No 839 of 2023 subject to the following conditions:

(i) That one of the bailors should be the father of the petitioner, and

(ii) That the father of the petitioner shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the petitioner on bail, he will take proper care of the petitioner and will not allow him to fall into bad company.

(Arvind Singh Chandel, J)

M.E.H./-

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