

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.573 of 2024

Arising Out of PS. Case No.-716 Year-2023 Thana- NARPATGANJ District- Araria

Md. Shahanwaj @ Sanowaj Son of Md. Saiyad R/V-Village- Chakla,, Ward No.- 07, PO- Panjarkatta, PS- Narpatganj, District -Araria represented through and under the guardianship of mother and natural guardian, namely, Saviran Khatun @ Sakiran , wife of Md. Saiyad, Resident of Ward no. 7, p.o.- panjarkatta, Barhepara, Forbesganj, Distt.- Araria, Bihar-854318

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rihana Khatoon D/O- Md. Tajmul R/V-Village Chakla, Ward No. -07, Panjarkatta, PS -Narapatganj, District Araria represented through and under the guardianship of father and natural guardian Md. Tajmul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Kumar Ravish, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Jitendra Kumar Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 26-11-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. This revision petition has been preferred by the petitioner (juvenile) being aggrieved with the order dated 24.06.2024 passed in Cr. Appeal No. 5 of 2024 passed by the learned Additional District and Sessions Judge 1st -cum-Special Judge (Children's Court), Araria in connection with



Juvenile Justice Board Case No. 26 of 2024, arising out of Narpatganj P.S. Case No. 716 of 2023 for the offences punishable under sections 376/341/323/504/506/34 of the Indian Penal Code and section 4 of the POCSO Act whereby and whereunder the learned Appellate Court affirmed the order of the Juvenile Justice Board dated 29th April, 2024 and also rejected the prayer of bail of the petitioner.

3. According to the case of prosecution, on 09.12.2023, the victim make a written complaint before the concerned Police Station alleging therein that in the night of 08.12.2023 at about 11:00 P.M. when she was sleeping in her house one unknown person came there and knock the door she open the door then she found that the petitioner was present outside. It is further alleged that the petitioner forcibly taken her with him and committed sexual intercourse about half an hour. Later on, the matter was informed by her to her family members and next day she made a complaint before the concerned Police Station and on the basis of said written complaint offences has been registered and during course of investigation, the petitioner has been taken into custody on 01.03.2024 and since then he is in observation home. He prefers application for grant of bail before the concerned Juvenile Justice Board which has been



rejected vide order dated 29th April, 2024. The said order has been assailed by him before the learned Appellate Court which has also been rejected by learned Appellate Court vide impugned order, hence this revision.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to some family disputes between both the parties. He further submits that the entire case is narrated by the prosecutrix is appears to be doubtful. The medical report of the victim girl is also does not support the case of the prosecution as hymen of the victim girl was found to be not ruptured. Lastly, he submit that petitioner-applicant is in observation home since 01.03.2024. He has no any criminal antecedent and the Social Investigation Report also does not suggested anything against the petitioner. Therefore, on this ground, it is prayed that he may be enlarged on bail.

5. Learned counsel for the respondent-State as well as the opposite party no. 2 have opposes the above submissions raised by the learned counsel for the petitioner-applicant.

6. Having considered the above facts and circumstances of the case and the submissions advanced on behalf of the learned counsels for the parties and also the



medical report of the victim girl does not supported the prosecution case, I am of the view that it is a case where the petitioner-applicant should be granted bail. Accordingly, the prayer for bail of the applicant is allowed. The order dated 24.06.2024 passed by the learned Additional District and Sessions Judge 1st cum Special Judge (Children's Court), Araria in Cr. Appeal Case No. 05 of 2024 in connection with Juvenile Justice Board Case No. 26 of 2024, arising out of Narpatganj P.S. Case No. 716 of 2023 is 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 Additional District and Sessions Judge, 1st cum Special Judge (Children's Court), Araria in connection with Juvenile Justice Board Case No. 26 of 2024, arising out of Narpatganj P.S. Case No. 716 of 2023, subject to the following conditions:-

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

(ii) that the father/mother of the petitioner shall file an affidavit before the learned Juvenile Justice Board, Araria giving specific undertaking that after release of the petitioner on bail,



he will take proper care of the petitioner-applicant and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

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