

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.716 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- PHULPARAS District- Madhubani

Deepak Kumar Mahto @ Deepak Kumar, under guardianship of his father namely Raje Lal Mahto S/o Ram Prasad Mahto, R/o Village- Bhatabati, PS- Phulparas, Distt- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi, W/o Bhola Mahto, R/o vill - Bhatabai, P.S. - Phulparas, Distt. - Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Sr. Adv., Mr. Chhotelal Mishra, Adv., Ms. Jyoti Prasad, Adv.
For the State	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

- 6 29-07-2025 The incident that is depicted in the F.I.R. reminds me the stories of OTT platform and some socio political enlightened films where incidents of raped victims are depicted in such a manner that they are not only sexually ravished during their minority, but when complain is made to the local people, the parents and other relatives of the perpetrator of offence in the name of settlement in Panchayat brutally assaults the victim of rape and her parents. This is an instance of 21st century **“Viksit Bharat”** where the scientists are going to the Space:- we have in the age of Artificial Intelligence and changeability and on the other hand, nobody hears **“Man Ki Baat”** of the little



girl, who was ravished by another minor boy at dead hours of night after she was forcibly taken away from her home by the perpetrator of offence and his friends and was raped.

2. The victim was medically examined on 17th March, 2023 at 12:30 P.M. and Medical Board found that blood was oozing out still from her vagina.

3. I am astonished to note that the victim girl was assaulted after the incident when his parents along with the victim told the incident to the parents of the accused and other headmen of the locality.

4. It is submitted by the learned Senior Counsel on behalf of the C.I.C.L. that the entire prosecution story is shrouded falsehood because it is unthinkable that maternal uncle and other senior members of the family of the C.I.C.L. would break upon the door of the room of the victim girl to forcibly took her away to a place called gachi and permitted the C.I.C.L. to commit rape upon her. Since the entire allegation was false, the victim was taken to task by the family members of the accused and local Mukhiya. The said incident cannot be equated with the allegations made by the victim girl. It is also submitted by the learned Senior Counsel on behalf of the C.I.C.L. that the Medical Board did not find any injury on her body, though it



was alleged by the victim that she was assaulted by village people after the incident.

5. It is not however been explained as to why the victim was suffering from bleeding from vagina. It is nobodies case that the victim was passing the period of menstruation. Thus, from prima facie documents, it is found that the victim was ravished and the allegation is made against the C.I.C.L.

6. At this stage, we are now concerned with delivery of justice in respect of the instant revision filed by the C.I.C.L.

7. It is needless to say that bail jurisprudence in respect of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter described as the said Act) is different from the general statutory provision of bail under the Cr.P.C. Therefore, Section 12 of the said Act states that a C.I.C.L., notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a Probation Officer or under the care of any fit person.

8. Section 3 of the said Act speaks of the general principles to be followed in administration of Act. The first principle contained in Section 3(i) is principle of presumption of



innocence. Section 3(xiii) states about the principles of repatriation and restoration. The C.I.C.L. was aged about 15 years 11 months and 04 days.

9. Both the courts below rejected the prayer for bail of the C.I.C.L. without making any preliminary assessment into heinous offences. No assessment of the C.I.C.L. was made with regard to mental and physical capacity of the victim. Prayer for bail of the C.I.C.L. was rejected without any proper appreciation/assessment as to whether there is a need for trial of the C.I.C.L. as an adult.

10. The Board did not refer the case to the Children's Court for trial. Therefore, on the principles of presumption of innocence the C.I.C.L. is entitled to bail.

11. The C.I.C.L. is directed to find bail of Rs. 25,000/- each with two sureties. One of whom must be one of the parents of the C.I.C.L. with sufficient capacity to the satisfaction of learned Principal Judge, Juvenile Justice Board, Madhubani in connection with Juvenile Appeal No. 14 of 2024, Phulparas P.S. Case No. 155 of 2023 with further condition that if on bail, the C.I.C.L. shall be under the supervision of the Probation Officer, who will file quarterly report regarding the future antecedent of the C.I.C.L. and his social background.



12. If any adverse report is received by the Board, the order of bail shall be cancelled without further reference to this Bench.

13. For the reasons stated above, the instant criminal revision is disposed of.

(Bibek Chaudhuri, J)

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