
(2010) 02 PAT CK 0011
In the Patna High Court

Munna Rajwanshi

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 05-02-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 164

Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 12

Citation : (2010) 02 PAT CK 0011

Hon'ble Judges : Mandhata Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Mandhata Singh, J.—Heard learned Counsel for the petitioner and the State.

2. This revision application has been filed against order dated 04-01-2010 passed by the Additional Sessions Judge-IIIrd, Gaya in Cr.Appeal(Juv.) No. 93 of 2009/176 of 2009, by which he has dismissed the appeal confirming the order dated 01-12-2009 passed by the Juvenile Justice Board, Gaya in Atri P.S. Case No. 117/2009, whereby it had rejected the prayer for bail of the petitioner.

3. Submission of the learned Counsel for the petitioner is that love affair of the petitioner with the victim girl has been made accusation may not be a correct position finding the girl minor but at the verge of majority and the girl voluntarily left her parental house and came to this petitioner, which is clear from her statement u/s 164 Cr.P.C. Further it is submitted on behalf of the learned Counsel for the petitioner that within two hours of the incident both the petitioner and the victim girl were caught. He further submits that without taking care of the same Juvenile Justice Board as well as the appellate court has refused the petitioner's bail, even without applying the provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, which in my view also is not proper and justified.

4. Therefore, order 04-01-2010 passed by the Additional Sessions Judge-IIIrd as

well as order dated 01-12-2009 passed by the Juvenile Justice Board is set aside.

5. Let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Gaya in connection with Atri P.S. Case No. 117 of 2009.

6. It is made clear that one of the bailors shall be father of the petitioner who shall undertake to keep the petitioner under his observation and shall produce him whenever is required by the Juvenile Justice Board.

7. Accordingly, this revision application is allowed.