
(2010) 02 PAT CK 0007
In the Patna High Court

Pankaj Kumar Verma

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 05-02-2010

Acts Referred:

Citation : (2010) 02 PAT CK 0007

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 30-11-2009 passed by the Additional Sessions Judge, Lakhisarai in Cr. Appeal No. 83 of 2009, by which he has rejected the appeal confirming the order dated 24-08-2009 passed by the Principal Magistrate, Juvenile Justice Board, Lakhisarai in G.R. No. 1275 of 2008, whereby he had rejected the prayer for bail of the petitioner.

3. What is admitted in the case that the petitioner was in love with the victim girl may be or may not be by the victim girl but in her statement the victim girl has stated about accompanying the petitioner on his disclosure that she was called by her brother-in-law but they remained together with several places and several days having all premarital relations. Force, if any was used is whispered that once she was threatened to make no cry or alarm and after coming to know of the filing of the case both the boy and the girl came back. Their only fault is about remaining minor; otherwise both are able to have sex. No help was taken by the petitioner from any outsider that itself goes to show that there is no chance of his mixing with any known criminal, nor there is alleged any other type of criminal activity of the petitioner, nor his having any criminal antecedent, even prayer for bail is refused by the Juvenile Justice Board as well as by the appellate court.

4. Therefore, order 30-11-2009 passed by the Additional Sessions Judge as well

as order dated 24-08-2009 passed by the Principal Magistrate, 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 Principal Magistrate, Juvenile Justice Board, Lakhisarai in connection with Lakhisarai P.S, Case No. 551/2008, G.R. No. 1275 of 2008,

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.