

Chhotu Ram @ Chhotu Kumar Vs. the State of Bihar

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Court : Patna

Decided On : May-11-2012

Appellant : Chhotu Ram @ Chhotu Kumar

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Revision No.53 of 2012 Chhotu Ram @ Chhotu Kumar, son of Nagendra Ram, resident of Vill. Gonsa, P.S. Jehanabad, Dist. Jehanabad.Petitioner Versus The State Of Bihar.Opp. Party -----

11. 01-2012 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. The present application has been filed for grant of bail to the petitioner under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. Earlier such prayer was rejected by the Juvenile Justice Board, Jehanabad by order dated 14.10.2011 and the appeal filed was also rejected by order dated 23.11.2011 in Criminal Appeal No. 38/2011 by the District and Sessions Judge, Jehanabad. The petitioner is an accused in Jehanabad P.S. Case No. 246 of 2011, G.R. No. 1049/2011 registered under Sections 363, 366 (A)/34 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is a juvenile which has been accepted by the Juvenile Justice Board. He further submits that it is a case of love affairs where the girl willingly went with the petitioner and lived as husband and wife. He also submits that during the course of investigation, the victim girl was recovered and her statement was

recorded under Section 164 Cr.P.C. in which she has supported the allegation made in the First Information Report. Even if the statement of the victim girl under Section 164 Cr.P.C. is taken into consideration, it is obvious that the truth has not come since the victim girl has made statement after she came into contact of her family members who had lodged the First Information Report. It is also apparent that as per allegation itself it appears that first of all the petitioner has brought the victim girl to Patna and thereafter he has taken her to Ludhiyana. The explanation for delay in lodging the First Information Report is that the informant was engaged in searching the victim girl due to which he did not register the First Information Report and after he got information, he lodged the First Information Report. However, another aspect of the matter is that the petitioner is in judicial custody since 09.08.2011. Considering the facts and circumstances of the case, let the petitioner be released on bail on furnishing bail bond of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Jehanabad in connection with Jehanabad P.S. Case No. 246/2011, G.R. No. 1049 of 2011, Trial No. 421 (J) of 2011. One of the bailors should be the father of the petitioner who shall also execute a bond of good behaviour before the court concerned. Petitioner shall also physically present himself before the Probation Officer, Jehanabad at least once a month and also as and when directed by him. The Probation Officer, Jehanabad shall maintain strict supervision over the petitioner. This application, accordingly, stands disposed off. (Ahsanuddin Amanullah, J) Anjani /-