

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No.72 of 2025

....

Nitesh Kumar @ Tuntun Kumar, aged about 15 years, son of Binay Saw @ Vinay Kumar, Resident of Village Pratappur, P.O. + P.S.-Pratappur, Distt-Chatra, represented through his natural guardian Binay Saw @ Vinay Kumar son of Rambilash Saw, Resident of Village Pratappur, P.O. + P.S.-Pratappur, Distt-Chatra
.....Petitioner

Versus

1. The State of Jharkhand
 2. X victim through her father
.....Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Vikram Singh, Advocate
 For the State : Mrs. Mohua Palit, A.P.P
 For the Informant : Mr. Sushant Kr. Sinha, Advocate

.....

Order No.04/09.04.2025

This Criminal Revision Application has been filed by the juvenile petitioner by challenging the order dated 11.12.2024 passed in Criminal (Juvenile) Appeal No.43 of 2024 by Sri S.M. Shahzad, learned Special Judge, Child Act Cases Cum-Additional Sessions Judge-I, Chatra by which the appeal has been dismissed by rejecting the prayer of bail of the petitioner and thereby affirming the order dated 20.11.2024 passed in Misc. Cr. Appl No.2714 of 2024 by learned Principal Magistrate, Juvenile Justice Board, Chatra, in connection with Pratappur P.S. Case No.80 of 2024 instituted for the offences under Sections 70(2) and 137 (2) of BNS and under Section 4 of the POCSO Act.

2. As per the FIR, the Victim girl is alleged to have been forcibly taken on motorcycle by co-accused Sagar Kumar and Shubham Kumar towards the Jungle and where the juvenile-petitioner Nitesh Kumar @ Tuntun Kumar and two other unknown persons were also present. It is alleged by the informant that they

have tried to commit rape upon his daughter, due to which his daughter had become unconscious.

3. Heard learned counsel for the petitioner and learned APP as well as learned counsel for the informant.

4. Learned counsel for the petitioner submitted that the juvenile petitioner is innocent and has not committed any offence. It is submitted that there is no specific overact committed by the juvenile-petitioner upon the victim girl. It is submitted that the main allegation is levelled against the accused namely Sagar Kumar and Shubham Kumar and the juvenile-petitioner at best is alleged to have threatened her. It is also submitted that the co-accused Vikash Kumar has been granted bail by the Co-ordinate Bench (Hon'ble Mr. Justice Ambuj Nath) of this Court vide order dated 15.01.2025 in B.A. No.8569 of 2024. It is submitted that the petitioner is in custody since 26.07.2024 and hence he may be enlarged on bail.

5. On the other hand, learned APP has opposed the prayer of bail and submitted that the juvenile petitioner was also present at the time of occurrence and he was also tried to molest the victim girl.

6. Learned counsel for the informant, after adopting the submission of learned APP, has further submitted that the juvenile petitioner had also participated in the occurrence, and he was also tried to commit rape upon the victim girl. It is submitted that the bail petitioner of accused person namely Sagar Kumar has been rejected vide order dated 15.01.2025 in B.A. No.8570 of 2024 passed by the Co-ordinate Bench (Hon'ble Mr. Justice Ambuj Nath) of this Court and the bail of one another accused person namely Shubham Kumar has also been rejected by the Co-ordinate

Bench of this Court and hence the prayer for bail may be rejected.

7. It appears from the order dated 15.01.2025 in B.A. No.8570 of 2024 passed by Co-ordinate Bench (Hon'ble Mr. Justice Ambuj Nath) of this Court that the bail of co-accused namely Sagar Kumar has been rejected.

8. From the perusal of the statement of victim girl recorded under Section 183 of BNSS, it would appear that she has made specific allegation against the other accused Sagar Kumar for outraging her modesty.

9. It appears that the petitioner is alleged to have only threatened the victim girl. From perusal of the defence statement of the petitioner revealed at para 83 of the Case Diary it would that the accused Sagar Kumar and Vikash Kumar had taken the victim girl to the hospital.

10. Considering the facts and circumstances of this case and as there is nothing specific allegation against the petitioner for outraging the modesty of the victim girl and tried to commit rape upon her and also the custody of the juvenile petitioner, the petitioner namely Nitesh Kumar @ Tuntun Kumar is directed to be released on bail in the custody of his father, on furnishing bail bonds of Rs.10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Magistrate, Juvenile Justice Board. Chatra or his Successor Court in Pratappur P.S. Case No.80 of 2024 subject to the condition that one of bailers must be the own relative of the juvenile petitioner and the guardian of juvenile petitioner will submit his mobile number and self-attested Aadhar Card before the learned Court below, which he will always keep active and will not change it, and the juvenile-petitioner shall not leave the jurisdiction of the learned

Court below, during the pendency of this case, without prior permission of this Court and shall produce the juvenile-petitioner as and when required.

11. Accordingly, the order dated 11.12.2024 passed in Criminal (Juvenile) Appeal No.43 of 2024 by Sri S.M. Shahzad, Special Judge, Child Act Cases Cum-Additional Sessions Judge-I, Chatra and order dated 20.11.2024 passed in Misc. Cr. Appl No.2714 of 2024 by learned Principal Magistrate, Juvenile Justice Board, Chatra, in connection with Pratappur P.S. Case No.80 of 2024 are set aside.

12. This Criminal Revision Application No.72 of 2025 is allowed.

(Sanjay Prasad, J.)

Nishant/-