

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No.164 of 2025

....

Akash Mahato, aged about 18 years, s/o Late Abhimanyu Mahato
 r/o village Chapra, P.O. and P.S. Rajnagar and District Seraikella-
 Kharsawan

.....Petitioner

Versus

1. The State of Jharkhand
2. Victim X through her father

.....Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner	: Mr. P.K. Sahay, Advocate
For the State	: Mr. Bhola Nath Ojha, A.P.P
For the O.P. No.2	: Mr. Sanjay Kr. Pandey, Advocate

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Order No.05/09.04.2025

This Criminal Revision Application has been filed on behalf of the petitioner by challenging the order dated 18.10.2024 passed in Criminal (Bail) Appeal No.28 of 2024 by Sri Choudhary Ahsan Moiz, learned Additional Sessions Judge-I-cum Special Judge, Children Court, Seraikela by which the appeal has been dismissed by rejecting the bail of the petitioner and thereby affirming the order dated 18.10.2024, passed in MCRA No.992 of 2024 by learned Principal Magistrate, Juvenile Justice Board, Seraikella in connection with Rajnagar P.S. Case No.41 of 2024 instituted for the offences under Sections 376, 376(3), 376(n) of IPC and Section 4 and 6 of POCSO Act.

2. As per the FIR, it is alleged that the petitioner had established physical relationship with the victim at his house in the month of November 2023 and thereafter he established physical relationship with the victim several times due to which the daughter of the informant became pregnant. Thereafter, the

Informant conveyed Panchayati on 08.06.2024 but the juvenile petitioner refused to accept his daughter and hence the FIR was lodged.

3. Heard learned counsel for the petitioner and learned APP as well as learned counsel for the O.P. No.2.

4. Learned counsel for the petitioner submitted that the petitioner has committed no offence. It is submitted that there is delay of 7 months in lodging the FIR and as such the allegation of the FIR cannot be relied upon. It is submitted that from the FIR it is clear that the juvenile petitioner has not put any force and has not induced her rather the victim girl had established the physical relationship with the petitioner as per her own consents. It is submitted that the juvenile petitioner is a bright student and has secured 74 percent marks and has not any criminal antecedent. It is submitted that the DNA report of the child has not brought on record by the prosecution. It is submitted that in view of the Section 12 of the Juvenile Justice Act the petitioner should be granted bail as gravity of offence has not to be seen in the case of Juvenile. It is submitted that the petitioner is in custody since 12.07.2024 and hence he may be enlarged on bail.

5. On the other hand, learned APP has opposed the prayer for bail. It is submitted that the juvenile petitioner has established physical relationship with the victim girl and her date of birth is 16.02.2008 and the occurrence has taken place on November 2023 and as such the girl was below 16 year of age and hence the prayer for bail may be rejected.

6. Learned counsel for the O.P. No.2, after adopting the submissions of learned APP, has further submitted that juvenile-petitioner had induced the victim girl and established physical

relationship with her on the pretext of marriage but he refused to marry her and hence the prayer for bail may be rejected.

7. Having heard learned counsel for the parties and from perusal of records of this case, it appears that that the victim girl was below 16 years of age and her date of birth is said to have 16.02.2008 and the occurrence had taken in November 2023 for the first time.

8. It appears from the statement of the victim girl during under Section 164 of Cr.P.C that she has supported the allegation of commission of rape upon her by the juvenile petitioner forcibly.

9. It appears from the para 41 of the Case Diary that Panchayati had also been taken place which could not succeed. It appears from the para 39 of the Case Diary that victim girl was having pregnancy of 35 weeks.

10. It appears that the petitioner has established physical relationship with the victim girl who is a minor below 16 years of age.

11. Considering the fact that the victim girl is juvenile on the date of occurrence, this Court is not inclined to exercise discretion under Section 12 of the Juvenile Justice Act for releasing the petitioner on provisional bail.

12. Accordingly, the prayer for bail of the petitioner is rejected and this Criminal Revision Application No.164 of 2025 is hereby dismissed.

13. Thus, the order dated 18.10.2024 passed in Criminal (Bail) Appeal No.28 of 2024 by Sri Choudhary Ahsan Moiz, learned Additional Sessions Judge-I-cum Special Judge, Children Court, Seraikella and the order dated 18.10.2024, passed in MCRA No.992 of 2024 by learned Principal Magistrate, Juvenile Justice

Board, Seraikella in connection with Rajnagar P.S. Case No.41 of 2024 is upheld.

14. However, the learned Court below is directed to conclude the enquiry / Trial at the earliest.

(Sanjay Prasad, J.)

Nishant/-