

Prem Pandey Vs State of Jharkhand

Court: Jharkhand High Court

Date of Decision: July 12, 2013

Acts Referred: Penal Code, 1860 (IPC) â€” Section 366A, 376

Citation: (2013) 3 AJR 514 : (2013) 4 JLJR 400

Hon'ble Judges: H.C. Mishra, J

Bench: Single Bench

Advocate: Zaid Ahmed, for the Appellant;

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

H.C. Mishra, J.

Heard learned counsel for the petitioner and learned A.P.P. for the State. The petitioner is aggrieved by the order dated

17.5.2013 passed by the learned Sessions Judge, Dhanbad, in Criminal Appeal No. 174 of 2013, whereby, the appeal filed against the order

dated 30.4.2013 passed by the Juvenile Justice Board, Dhanbad, in G.R. No. 4964 of 2012, rejecting the bail application of the juvenile

petitioner, has been dismissed by the learned Appellate Court below.

2. The petitioner has been made accused in Putki P.S. Case No. 214 of 2012 corresponding to G.R No. 4964 of 2012 for the offence under

Sections 366A and 376 of the Indian Penal Code. Though there is allegation against the other co-accused persons to have taken the victim girl to

different places and to have committed rape upon her, but from the FIR it appears that against the petitioner, there is allegation that the petitioner

was also present along with his friends and had met the victim, but there is no allegation against the petitioner to have committed rape upon her.

However, in the last paragraph of the FIR, it appears that the informant has taken the name of all the accused persons and has stated that they had

kept her at different places and had committed rape upon her, but there is no specific allegation against the petitioner.

3. It appears that the petitioner was declared to be juvenile and he filed his application for bail, which was rejected by he Juvenile Justice Board,

taking into consideration the social investigation report of the petitioner, which was against him and finding that the release of the petitioner shall

render him to physical, moral and psychological danger and shall also defeat the ends of justice. The appeal filed against the said order was also

dismissed by the learned Appellate Court below. In the facts and circumstances of the case, particularly in view of the fact that there is no specific

allegation, either of kidnapping or of committing rape against this petitioner, I am inclined to enlarge the petitioner, Prem Pandey alias Prem alias

Prem Kumar Pandey, on bail. Accordingly, the petitioner, named above, is directed to be released on bail, on furnishing bail bond of Rs. 10,000/-

(ten thousand), with two sureties of the like amount each, to the satisfaction of the Juvenile Justice Board, Dhanbad, in connection with Putki P.S.

Case No. 214 of 2012 corresponding to G.R. No. 4964 of 2012 with the condition that one of the bailers should be the father of the petitioner

and he shall give an undertaking in the Court below that he shall keep the juvenile-petitioner under his personal care and protection and no

repetition of such offence shall be made by the petitioner.

This application is accordingly allowed.