

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.902 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- MADHEPURA

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Manna Kumar @ Mannu @ Manyu @ Mannu Kumar @ Mennu Kumar Son of
Shekha Devi, Wife of Bhutku Sharma Resident of Village Morsanda, P.S. Chousa,
District - Madhepura. Petitioner residing under natural guardianship of his mother
Shekha Devi.

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. Ajay Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 13-10-2017

Counsel for the petitioner is directed to correct the provision
of law in course of the day.

2. This revision application is directed against order dated
26.07.2017, passed by learned Sessions Judge, Madhepura in Criminal
Appeal No.25 of 2017 whereby upholding the order dated 09.06.2017 of
the Juvenile Justice Board, Madhepura by which the Board has rejected the
prayer of bail of the petitioner, a juvenile, in conflict with law.

3. Learned counsel for the petitioner submits that the
allegation is that the informant's son and accused persons all boys aged
between 10 to 12 years were playing together and informant's son gave a
slap to one of the accused and he called his father. His father turned up
there and caught hold the hand of the informant's son and thereafter his two
sons including the petitioner assaulted with *lathi-danda* causing his death.

4. The Court finds the Juvenile Justice Board, Madhepura has



ascertained the age of the petitioner on the day of alleged occurrence only 10 years and 4 months approximately. The rejection order either of the Board or of the learned Sessions Judge do not disclose that the petitioner is in association of any known criminals or any adverse remark given in social investigation report for denying the privilege of bail to the juvenile in conflict with law. It goes without saying that the gravity of the offence is no consideration for rejection of the bail to a juvenile and only on that ground the bail was refused, so 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 Juvenile Justice Board, Madhepura in connection with Chausa P.S. Case No.44 of 2015, giving rise to J.J.B. No.19 of 2017 (G.R. No.343 of 2015) with condition that the mother of the petitioner will be will be one of the bailors who will file an undertaking to keep her son in proper care and supervision.

5. The criminal revision application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2017
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