

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.968 of 2016

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1. Monu Kewat @ Monu Kumar S/o Shuam Narain Kewat@Bal Deo Keat
Resident of Sunder Pur, P.S. Dhanarua, Dist Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Respondent/s : Mr. Dinesh Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

4 07-02-2017 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor representing the

State.

The petitioner is the brother of the husband of the deceased. He has been declared to be a juvenile as on the date of occurrence. His application for his release on bail has been rejected by the Juvenile Justice Board, Patna, by order, dated 30.05.2016, which order has been affirmed by the learned Additional Sessions Judge I, Patna, by order, dated 04.07.2016, passed in Criminal Appeal No. 83 of 2016. The case arises out of Rail P.S. Jehanabad (Taregna) Case No. 01 of 2016, registered for the offence punishable under Sections 302/201/34 of the Indian Penal Code. Later on, Section 304B of the Indian Penal Code has been incorporated in place of Section 302 of the Indian



Penal Code.

I notice from the First Information Report that there is allegation that dowry was being demanded and In-laws of the deceased, including her husband, used to torture her. The dead body of the deceased was found near the Pothahi Railway Station. With this allegation, the First Information Report was instituted against family members of the deceased, including this petitioner, who is younger brother of the husband of the deceased and a juvenile.

From the impugned order, I find that the only reason which has been assigned for refusing bail is that there was possibility of him coming in the contact of anti-social elements. There is no reason assigned by the Courts below for arriving at this conclusion.

The petitioner is in custody/Remand Home since 05.01.2016. In my view, by allowing him to remain further in the Remand Home, no purpose will be served and it may be counter productive to the interests of the petitioner.

Considering the above, this revision application is allowed. The order, dated 04.07.2016, passed by the learned Additional Sessions Judge I, Patna, in Criminal Appeal No. 83 of 2016, is set aside.

Let the petitioner be released on bail on



furnishing an affidavit by his father to the effect that he will look after the interest of the petitioner and will not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner will also be required to furnish personal bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Patna, in connection with J.J.B. Case No. 96 of 2016, arising out of Rail P.S. Jehanabad (Taregna) Case No. 01 of 2016. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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