

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.643 of 2018

Arising Out of PS. Case No.-137 Year-2017 Thana- KHAJEKALA District- Patna

Madhu Kumari @ Kumari Madhu, through her mother and guardian most Sunita Devi, D/o Late Ramdayal Paswan, Resident of Jhoparpatti, Khajekala, Patna City, P.S.- Khajekala, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar

For the Respondent/s : Mr. Sri Nityanand

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-07-2018

The petitioner is lodged in the Observation home since 18.08.2017 in connection with Khajekala P.S. Case No. 137 of 2017 which has been instituted for the offences under Sections 147, 148, 149, 302 and 201 of the Indian Penal Code.

Though the petitioner has been named in the aforesaid FIR, but nothing specific has been alleged against her. In fact her name has transpired on the statement of some of the local residents of the area and on the basis of CCTV footage, which fell into the hands of the police a day after the occurrence. About 50 to 60 persons are alleged to have killed one Prakash Yadav and his dead body was put on a *thela* and thrown in the river Ganges.

The petitioner was declared a juvenile by the Juvenile Justice Board, Patna and her age was assessed



to be little more than 16 years at the time of the occurrence.

The petitioner had applied for being released from the remand home before the Juvenile Justice Board but the same was rejected. The case of the petitioner was assessed in terms of ***Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2000*** whereupon the Juvenile Justice Board was of the view that the petitioner requires to be tried as an adult by the Child Court. Hence the records of the case were transferred to the Child Court viz. the court of the First Additional Sessions Judge, Patna.

The Child Court also vide his order dated 24.01.2018 has refused to release the petitioner from the remand home during the pendency of the trial.

The order passed by the learned Child court does not state any reason for rejecting the prayer for being released from the remand home. The only ground, perhaps, appears to be that the petitioner has been made accused in a serious case of murder. The Social investigation report has not been taken into account and the trial court has also not considered the fact that there is no specific accusation against her.

Regard being had to the facts that the petitioner is a girl of tender age and has no criminal



antecedent, this court is of the view that she ought to be released from the remand home. While saying so this Court has also taken note of the nature of accusation against her and that other accused persons have been granted bail from different courts.

The petitioner above named is directed to be released from the remand home on her furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction to the learned Principal Magistrate, Juvenile Justice Board, Patna City, Patna in J.J.B. Trial No. 471 of 2017 arising out of Khajekala P.S. Case No. 137 of 2017.

One of the bailors shall be the mother of the petitioner, who at the time of filing her bonds, shall give an undertaking that she shall take good care of her child and in case she finds that the juvenile/petitioner is not responding to her homilies, she shall report the matter straightway to the officer-in-charge of the concerned police station.

With the aforesaid observation/direction, the present revision petition is disposed of.

(Ashutosh Kumar, J)

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