

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1170 of 2017

Arising Out of PS. Case No.-105 Year-2017 Thana- ATRI District- Gaya

Prakash Das @ Prakash Kumar S/o Satyendra Das, R/o Village- Gehlaur,
P.S.- Atri , District- Gaya, through his natural guardian namely Satyendra
Das, R/O Village – Gehlaur, P.S. - Atri, District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Respondent/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-02-2018 The petitioner who is a juvenile seeks his release from the remand home where he has been lodged in connection with Atri P.S. Case No. 105 of 2017, which was initially instituted for the offence under Section 366(A) of the Indian Penal Code but later Section 302/34 of the IPC was also added.

The petitioner has approached this Court through his father.

One Chandrabhan Prasad, the father of the victim has lodged the case on 04.06.2017 alleging that on 25.05.2017, his 16 year old daughter (Simpay @ Shivani Kumari) came out of her house to attend the call of nature but she never returned. In that context it was alleged by the informant that Sadanand Chaudhary and Prakash Das (petitioner) who are his villagers and friends amongst themselves have been, in the past,



indulging in taking away simple village girls by beguiling them. One of the brothers of Sadanand Chaudhary had, in the past, taken away the daughter of one person of the neighbouring village and had married her also. On this basis, the informant suspected that his daughter has been kidnapped/abducted by Sadanand Chaudhary and Prakash Das, the juvenile/petitioner. While saying so, the informant also referred to the complicity of one Mantu Kumar and Pawan Pandey, who according to his estimation, were involved in various acts of kidnapping/abducting girls from villages. On 23rd and 24th of May, 2017, there was some talk on his Mobile No. 7079106843 and the number from which call was made on his telephone, belonged to the house of one Mantu Chaudhary who also is a juvenile. On the basis of the aforesaid written report, a case vide Atri P.S. Case No. 105 of 2017 dated 04.06.2017 was instituted for investigation under Section 366A of the IPC. As stated earlier, with the recovery of the dead body of the daughter of the informant, Section 302/34 of the IPC was also added.

It appears that no ante-mortem injury was found on the person of the deceased and the death was because of drowning.

Investigations, though further revealed that the three juveniles, the petitioner being one of them were involved in



taking away girls of different villages but such information was only hearsay and no details could be collected by the investigating agency with respect to their participation in such crimes. No details with respect to this case also has been provided in the investigation report.

Mr. Vikram Deo Singh, learned counsel appearing for the petitioner has drawn the attention of this Court to the fact that between the time that the daughter of the informant went missing and the recovery of the dead body from a well/pond, no case was lodged by the informant and no suspicion also was raised against anyone of the accused persons including the petitioner.

Learned counsel for the petitioner has further submitted that though the offence is very serious in nature but there is no connecting link between the petitioner and the offence, except for suspicion; and that even if the offence alleged is grievous in nature, that may not be the consideration for this Court for releasing the petitioner from the remand home, taking into account the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 which is a beneficial legislation for children.

The social investigation report with respect to the



juvenile/petitioner does not indicate the reasons for the assessment of the court below that his release would not be beneficial for him. The juvenile/petitioner has also been subjected to the assessment in accordance with Section 15 of the amended Juvenile Justice (Care and Protection of Children) Act, 2015 but the appellate order does not reflect the reason for coming to the conclusion that his release would not be beneficial for him.

Under more or less similar circumstances, another juvenile accused of this case viz. Mantu Kumar has been directed to be released from the remand home by order dated 24.01.2018 passed in Criminal Revision No. 1050 of 2017.

The petitioner is in remand home since 08.06.2017.

Considering the aforesaid facts, the petitioner/juvenile above named is directed to be released from the remand home, subject to his furnishing bond of a sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gaya in connection with Atri P.S. Case No. 105 of 2017. One of the bailors shall be the father of the juvenile/petitioner, who at the time of filing of his bond shall furnish an undertaking that he shall take good care of the juvenile/petitioner and whenever he



would find the juvenile/petitioner disobeying or not paying heed to his advice, the matter shall be reported to the officer-in-charge of the concerned police station forthwith.

With the aforesaid direction and observation, the present revision petition is allowed.

(Ashutosh Kumar, J)

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