

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.797 of 2018

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Mala Kumari, D/o Mahajan Mahto, R/o Village-Shekhpora,
P.S.-Mashrakh (Mashrakh), District-Saran. Under the
guardianship of Jhari Devi, Wife of Mahajan Mahto, R/o
Village-Shekhpora, P.S.-Mashrakh (Mashrakh), District-
Saran, the mother of the petitioner.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Mukesh Kumar Singh, Adv.

For the State :Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 26-07-2018 The petitioner, who has been made accused in
connection with Mashrakh P.S. Case No. 263 of 2017,
instituted for offences under Sections 302 and 120(B)/34
of the Indian Penal Code, is presently lodged in the remand
home, Chapra.

The age of the petitioner was assessed as more
than 16 years on the date of the occurrence.

The petitioner along with another is said to
have killed the son of the informant for his having opposed
the affairs of the petitioner with co-accused/Sonu Kumar.



Learned counsel for the petitioner has submitted that her prayer for being released from the remand home was rejected by the learned Juvenile Justice Board, Chapra *vide* order dated 18.04.2018, passed in J.J.B. Case No. 1209 of 2018, as also by the learned Appellate Court, *i.e.* learned 1st Addl. Sessions Judge, Saran at Chapra *vide* order dated 20.06.2018, passed in Cr. (Juvenile) Appeal No. 25 of 2018, even though both the Courts were informed that co-accused/Sonu Kumar has been granted bail by a Bench of this Court.

It has further been submitted that both the Courts did not at all advert to the fact that the allegation against the petitioner is only to the extent of last seen with the deceased and the implication is, thus, primarily based on suspicion. That apart, the only ground which has weighed with the Appellate Court for not releasing the petitioner from the remand home is that since co-accused/Sonu Kumar has been released on bail, there is every likelihood of the petitioner also going back to the company of aforesaid co-accused/Sonu Kumar, if she is released from the remand home.

It has been submitted that the aforesaid logic is specious one and the petitioner is being maintained and looked after by her mother. There is no other adverse



report by the Probation Officer.

A perusal of the orders impugned further reveal that the case of the petitioner was also assessed in terms of Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Regard being had to the nature of accusation against the petitioner which is based on suspicion and that no adverse report is available in the social investigation report and the reason assigned by the learned Appellate Court for refusing to release the petitioner from the remand home being not in consonance with law in that regard, this Court is of the view that the petitioner be released from the remand home.

The petitioner, above named, is directed to be released from the remand home on her furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Chapra in connection with Mashrakh P.S. Case No. 263 of 2017.

One of the bailors shall be the mother of the petitioner, who, at the time of filing of the bonds, shall give an undertaking that she will take good care of the petitioner and in case the petitioner avoids paying heed to her advice, she would report the matter forthwith to the



Officer-In-Charge of the concerned police station.

This revision petition is thus allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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