

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.1050 of 2017**

=====

1. Mantu Kumar, Son of Vinod Kumar Choudhary, Residing at Aropur Mahuait, P.S.- Wazirganj, District- Gaya under guardianship of his father, namely Vinod Kumar Chaudhary.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Respondent/s : Mr. Sri Ram Sumiran Roy

=====

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

5      24-01-2018                      The petitioner is a juvenile who seeks his release from remand home, where he has been lodged in connection with Atri P.S. Case No. 105/2017, which was initially instituted for the offence Under Section 366(A) of the Indian Penal Code, but later Section 302/34 of the Indian Penal Code was also added.

The petitioner is aged about 16 years and has approached this Court through his father Binod Kumar Chaudhary. The daughter of the informant, viz. Simpi @ Shivani went missing on 25.05.2017. The F.I.R. but was lodged on 04.06.2017, only after eight hours prior to the recovery of the dead body of the daughter of the informant.

From the F.I.R., it appears that the informant had suspicion only on two persons of the village, viz. Shardanand Chaudhary and Prakash Das and with respect to the petitioner, it



has been stated that the aforesaid two persons were in touch with him. In the F.I.R., the informant has also stated that on 23<sup>rd</sup> and 24<sup>th</sup> of May, 2017, there was some talk on his mobile telephone from a particular number, which was of the house of the petitioner.

Mr. Vikram Deo Singh, learned Advocate appearing for the juvenile, has submitted that from the post-mortem report, it would appear that the death was because of drowning. No ante-mortem injury was found on the person of the deceased. The time of the occurrence is stated to be 1 to 2 days prior to the post-mortem examination, i.e. prior to 04.06.2017. In this background, it has been submitted by him that the informant did not have any clue about the petitioner having participated in the occurrence and therefore, no case was lodged between 25.05.2017 and 04.06.2017.

Attention of this Court has also been drawn to the order passed by the Juvenile Justice Board on 07.09.2017, whereby, while rejecting the prayer for release of the petitioner from remand home, it was observed that the social investigation report referred to the three juveniles of this case, being related to each other, and that they had tried to hide some facts. There is nothing on record to suggest that if the petitioner is released from the remand home, he will come in company of the



criminals and which would not be good for his future career. The fact that the father of the petitioner has approached this Court is an evidence of the fact that he is ready to take care of his son till his minority and till the conclusion of the trial.

The petitioner is in remand home since 06.06.2017.

The case against the petitioner is based solely on suspicion.

For the facts stated above, the petitioner/juvenile is directed to be released from the remand home, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Gaya in connection with Atri P.S. Case No. 105 of 2017.

The present revision petition is, accordingly, allowed.

**(Ashutosh Kumar, J.)**

Rakhi

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

