

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.584 of 2018

Arising Out of PS.Case No. -501 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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1. Monu Kumar @ Mannu Kumar Son of Rajendra Yadav Resident of
Village-Shrinagar P.S.-Ghailadh Dist-Madhepura Appellant Under
Guardian (Mother) Gayatri DiveWife of-Rajendra Yadav Resident of
Village-Srinagar P.S.-Ghailadh Dist-Madhepura

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha

For the Respondent/s : Mr. Sri Zeyaul Hoda

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 29-03-2018 This appeal has been preferred against the order dated

10.1.2018 passed by Sri Raman Kumar, Special Judge, Children
Act, by which he has rejected the prayer of the appellant to grant
bail.

As per the prosecution, the allegation against the
appellant is of assaulting the deceased with the other persons and
the deceased has succumbed to the injury later on. It further
appears from perusal of the record that the appellant has been
declared children conflict with law, vide order dated 25.11.2017
passed by the Juvenile Justice Board, Madhepura as his age was
found above 17 years and below 18 years at the time of occurrence
and the matter was sent to the children court and he has transferred
records to the Children court and before the children court the



appellant moved for grant of bail which has been rejected, as stated above.

Submission of the learned counsel for the appellant is that there is general allegation against the appellant and furthermore there is case and counter case between the parties.

It has also been submitted that the learned children court has not considered the Social Investigation Report submitted under Rule 13(5)(I)(II) and the report discloses that there is no complaint against his family and the appellant was student and his conduct was also satisfactory having no relationship with the criminals but the learned Special Judge has failed to consider the above report and also the fact that the appellant is in custody for 1 ½ years and his prayer for bail has been rejected only on the ground that the appellant is accused in heinous crime.

It is further submitted that the appellant has remained in custody for about 1 ½ years and he is ready to co-operate in disposal of the trial and ready to abide by any condition imposed upon him.

Heard learned Special P.P., who has opposed the prayer for bail and defended the order dated 10.1.2018 passed by the Children court.

Having heard both sides and from perusal of the report, it appears that the report under Section 12 of Social Investigation



Report does not show anything against the appellant or against his conduct and it further shows that he is student and having no concern with the criminals and it further appears that the allegation is of general in nature of assault to the deceased and no doubt juvenile justice board while assessing the age has found that the appellant is fit physically, mentally and psychologically, however, the learned trial court has not considered the social investigation report, which is in favour of the appellant and that does not show anything adverse against the appellant. Further there is general allegation of assault and he is in custody for more than 1 ½ years.

Considering all the facts and circumstances, this appeal is allowed and let the appellant, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri Raman Kumar, Special Judge, Children Act, Madhepura in connection with Madhepura P.S. Case No.501 of 2016 (G.R.No.1359 of 2016, JJB. No.88/17) with condition that he will co-operate in disposal of the trial and will appear as and when required by the court, otherwise his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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