

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.111 of 2019

Arising Out of PS. Case No.-73 Year-2018 Thana- BUNIYAD GANJ District- Gaya

Sharwan Manjhi @ Shrawan Manjhi, aged about 18 years (Male) son of Madhusudan Manjhi, R/o village- Govindpur, P.S- Belaganj, District- Gaya through his father and natural guardian namey Madhusudan Manjhi son of Gaya Manjhi, resident of village- Govindpur, P.S- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar, Adv.

For the Respondent/s : Mr.Ramchandra Sahni (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 05-03-2019

Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 04.10.2018 passed by learned Sessions Judge, Gaya in Criminal Appeal (Juvenile) No. 81 of 2018 as well as order dated 16.08.2018 passed by learned Court of A.C.J.M.-cum-Principal Magistrate, Juvenile Justice Board, Gaya in G.R. No. 2509 of 2018, Misc. No. 89 of 2018 in connection with Buniyadganj P.S. Case No. 73 of 2018 registered under Sections 302, 201/34 of the Indian Penal code have been dismissed.

Prosecution story is that son of the informant was traceless and later on his dead body was found lying in a Payeen near Muskan Petrol Pump and a mobile was also found with corpse without SIM.



It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that petitioner has been roped in this case on the basis of confessional statement of one Arti Kumari and except that there is nothing against the petitioner. Arti Kumari has been granted bail by co-ordinate bench of this court vide order dated 02.11.2018 passed in Cr. Misc. No. 55969 of 2018. Petitioner has no criminal antecedent and is in custody since 01.05.2018.

According to the learned counsel for the petitioner, no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home. It has further been submitted on behalf of petitioner that from the record it does not appear that if the petitioner is released, he will be exposed to mental, physical and psychological danger or is likely to bring him into association with any known criminal.

Considering the above, this revision application is allowed. The order dated 04.10.2018 passed by learned Sessions Judge, Gaya in Criminal Appeal (Juvenile) No. 81 of 2018 as well as order dated 16.08.2018 passed by learned Court of A.C.J.M.-cum-Principal Magistrate, Juvenile Justice Board, Gaya in G.R. No. 2509 of 2018, Misc. No. 89 of 2018 in



connection with Buniyadganj P.S. Case No. 73 of 2018 are set aside.

The petitioner, above named, is directed to be released from the Remand Home on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-cum-Principal Magistrate, Juvenile Justice Board, Gaya in G.R. No. 2509 of 2018, Misc. No. 89 of 2018 arising out of Buniyadganj P.S. Case No. 73 of 2018, subject to condition that :

One of the bailors of the petitioner shall be his father/mother who at the time of filing of the bonds, shall also give an undertaking that he/she will take good care of the petitioner and in case petitioner does not act as per his/her advice, he/she shall report the matter to the officer-in-charge of the concerned police station and further during period of bail, the petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed.

(S. Kumar, J)

Rajiv/-

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