

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.498 of 2019**

Arising Out of PS. Case No.-62 Year-2018 Thana- RAUTA District- Purnia

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SURAJ KUMAR MANDAL @ SURAJ KUMAR, aged about 13 years, Male,  
son of Govind Mandal Resident of Village-Jagadal, P.S.- Rauta, Distt.- Purnea  
under the guardianship of his father namely Govind Mandal Son of Bahadur  
Mandal, Resident of Village Jagadal, P.S.- Rauta, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Bijendra Kumar Singh

For the Respondent/s : Mr.Satyendra Narayan Singh

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**CAV JUDGMENT**

**Date : 20-12-2019**

The present petition has been filed for setting aside the  
impugned judgment and order dated 19.3.2019 passed in  
Criminal Appeal No. 3 of 2019 by the learned 1<sup>st</sup> Additional  
Sessions Judge, Purnea whereby and whereunder the order  
dated 18.12.2018 passed by the learned Juvenile Justice Board,  
Purnea in connection with Rauta P.S. Case No. 62 of 2018  
under Section 302 of the Indian Penal Code, rejecting the prayer  
of the petitioner for bail, has been upheld.

2. The brief facts of the case are that the informant of the



present case, namely, Shekhar Chandra Mandal, had filed a written complaint before the Office-in-Charge Police Station-Routa (Purnea), inter alia, alleging therein that on 8.6.2018, he was drying his grains on the roof of the middle school, Jagdal and at about 2:30 pm. in the afternoon, he had gone to his house, leaving behind his eight years old son, namely, Adesh Kumar to look after grains and while he was going to his house, he saw two boys namely, Sonu Kumar and Parmeshwar Kumar Yadav, playing in the premises of the school. At about 3:30 pm., the elder son of the informant is stated to have gone on the roof of the school, however, upon search, the younger son of the informant could not be found, whereafter the elder son of the informant had gone to the staircase where he saw blood spots and after going down the stairs, he saw that the younger son of the informant was lying dead. Thereafter, the elder son of the informant is said to have called the informant and his family members and it was found that somebody had cut the neck of the younger son of the informant and killed him. Thereafter, the informant is stated to have inquired from the boys, who were playing in the premises of the school, who are said to have stated that the petitioner, sometimes back, had climbed down and had fled away with great speed and he was also holding a



knife in his right hand. On the basis of the aforesaid statement of the informant, the FIR in question i.e. Routa P.S. Case No. 62 of 2018 was registered on 8.6.2018 against unknown accused persons.

3. The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, there is no motive for having killed the victim boy as far as the petitioner is concerned and even a bare perusal of the FIR does not make out any case against the petitioner. It is further submitted that the petitioner has been declared a juvenile on 13.8.2018 by the Juvenile Justice Board, Purnea and the parents of the petitioner are ready and willing to take responsibility for maintenance of the petitioner in proper atmosphere. It is also submitted by the learned counsel for the petitioner that the petitioner is languishing in custody since 10.6.2018 and since on the date of occurrence, the petitioner was less than 13 years of age, maximum punishment / order which can be passed by the Board is to direct the petitioner to be sent to a special home, for such period, not exceeding three years, for providing reformatory services including education, skill development, counselling, behaviour motivation therapy and psychiatric support during the period of stay in the special home. It is also



the case of the petitioner that he is having a clean antecedent and there is no direct or indirect evidence except the confessional statement of the petitioner, which, in any view of the matter, has got no evidenciary value in the eyes of law.

4. I have heard the learned counsel for the petitioner and perused the social investigation report wherein it has been opined that the Juvenile Justice Board, Purnea may provide the petitioner the benefit of a consolidated rehabilitation programme, after perusing the report obtained from Psycho-Clinic as well as Psycho social worker. This Court finds that no definite finding has been given in the said report. This Court further finds from the case diary that though the police has filed a charge-sheet against the petitioner under Section 302 of the Indian Penal Code, however, there is no direct evidence of the petitioner having committed the alleged murder of the son of the informant barring his confessional statement, which does not have any evidenciary value in the eyes of law. This Court further finds that the petitioner has been declared to be a juvenile and was less than 13 years old as on the date of the alleged occurrence and he has been in custody since 10.6.2018 whereas the maximum punishment that can be imposed, in case the petitioner is found guilty and is convicted, can be of



directing the petitioner to be sent to a special home for a period not exceeding three years. This Court further finds that there is no material on record to suggest that in case, the petitioner is released, he shall be exposed to moral, physical or psychological danger or he shall come into association of any known criminal or his release would defeat the ends of justice.

5. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, the revision petition is allowed and the order dated 19.3.2019 passed by the learned court of 1<sup>st</sup> Additional Sessions Judge, Purnea is set aside.

6. 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 Juvenile Justice Board, Purnea in Routa P.S. Case No. 62 of 2018, subject to the 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.

(Mohit Kumar Shah, J)

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