

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1402 of 2018

Arising Out of PS. Case No.-188 Year-2018 Thana- CHANDI District- Nalanda

Sunil Kumar @ Sunil Manjhi S/o Ashok Manjhi @ Gumani Manjhi Resident of Village-Tanrha Par Mushahari Tola,P.S. Wena,Distt.-Nalanda under the Guardianship of his fathert Ashok Manjhi @ Gumani Manjhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr.Sri Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 25-01-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 02.11.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar Sharif, in Juvenile Appeal No. 15 of 2018 by which appeal of the petitioner for grant of bail against the order dated 30.08.2018 passed by learned Juvenile Justice Board, Bihar Sharif, in connection with J.J.B. No. 325 of 2018, arising out of Chandi (Wena) P.S. Case No. 188 of 2018, Under Section 302/34 of the Indian Penal Code and Section 3(ii) (b) (va) of the SC/ST Act has been dismissed.

Informant who is father of deceased has alleged that on 28.06.2018 at about 8 P.M. when he returned to his house from Chandi Block, his wife told him that his younger son was



traceless since evening who was taken away by Rakesh Ram. It has been further alleged that when the informant and his family members started tracing out his son, at about 10 P.M. the informant and his family members saw the dead body of his son in a pyne. On seeing the dead body, the informant suspects that his son has been murdered by pressing his neck by the F.I.R. named accused. Petitioner is not named in F.I.R.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to dirty village politics. The name of the petitioner has surfaced in this case on the confessional statement of co-accused Lallu Manjhi.

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 his release is likely to bring him in association with any known criminal.

Considering the above, this revision application is allowed. The order dated 02.11.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar



Sharif in Juvenile Appeal No. 15 of 2018 is 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 Juvenile Justice Board, Nalanda at Bihar Sharif, in connection with J.J.B. No. 325 of 2018, arising out of Chandi (Wena) P.S. Case No. 188 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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