

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1519 of 2019

Arising Out of PS. Case No.-150 Year-2019 Thana- MAJHAULIA District- West Champaran

BHUTAN KUMAR @ ANKIT KUMAR @ MUTAN KUMAR, aged about 10 years, Male, S/O Manoj Kumar Ray @ Manoj Rai Resident of Village - Baithaniya, P.S.- Majhaulia, District - West Champaran. through his natural guardian and father, Manoj Kumar Ray @ Manoj Rai , S/O Dewnandan Ray, Resident of Village - Baithaniya, P.S.- Majhaulia, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Respondent/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-02-2020 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner has been declared juvenile vide order dated 20.06.2019 passed by learned Juvenile Justice Board, West Champaran, Bettiah in J.J.B. Case No. 487/2019. He has been held to be aged about 8 years 11 months and 6 days. He is an accused in Majhaulia P.S. Case No. 150/2019 dated 05.04.2019 registered under Section 302/34 of the Indian Penal Code.

The allegation against him is that he along with his



friend co-accused Ranjit Mahto aged about 12 years had taken the six years old son of the informant on the pretext of playing game but thereafter the son of the informant did not return and it is alleged that on query made the petitioner and the co-accused disclosed that they had done wrong act with the son of the informant and then had killed him by pressing his neck.

The petitioner is in observation home since 29.05.2019. Learned counsel for the petitioner submits that the allegations against the petitioner is only false, concocted and baseless and the petitioner has been made accused only because of the village rivalry. Further, it is submitted that this petitioner is all about nine years old boy, he was going to school and it has come in the social investigation report that he had no criminal antecedent and further the villagers did not find any wrong with his activities as they reported that the petitioner was living like a normal boy.

Learned counsel submits that the social investigation report no doubt says that the parents of the petitioner failed to develop good habits and manner in him



but considering that the long continuation of the petitioner in the observation home would only deprive him of the love and affection of his parents and other members of the family and further that for a better future the Probation Officer has also recommended that the petitioner should be made to understand the difference between good and bad habits and to improve his life and better future, he should be made to understand these things. It is submitted that at this stage, the petitioner may be allowed to be reunited with his family.

Learned A.P.P. for the State has though opposed the prayer for release of the petitioner, however considering the facts and circumstances available on the record showing that the petitioner has been adjudged about nine years old only and that he was going to school and further no abnormality was found in him in the society and further that the parents of the petitioner are ready and willing to give an undertaking that in case of release of the petitioner they would keep him away from the village and would not allow to fall him in any bad company and shall ensure that he is admitted in a school and his study continues further, at this



stage, this court directs release of the petitioner named-
above on bail furnishing bail bond of Rs. 15,000/- (Rupees
Fifteen Thousand only) with two sureties of the like amount
each to the satisfaction of learned Juvenile Justice Board,
West Champaran, Bettiah, in connection with Majhauria P.S.
Case No. 150/2019.

One of the sureties will be the father of the
petitioner and both father and mother shall furnish
undertaking in writing before the learned Juvenile Justice
Board that they would ensure the admission of the petitioner
in a school outside the village and shall keep vigil over him
and would not allow him to fall in a bad company.

This Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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