

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.158 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- BHARGAMA District- Araria

MANTU KUMAR @ PINTU KUMAR @ MANTU YADAV Son of Nunu
Lal Yadav Resident of Village- Bharna, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur
For the Respondent/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-07-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the petitioner and the State.

The present revision application has been filed on
behalf of the petitioner for grant of bail against the order dated
11.11.2020 passed by learned 1st Additional Sessions-cum-
Special Judge (Children), Araria in Special Child Case No. 05 of
2020 arising out of Bhargama P.S. Case No. 128 of 2020
registered for the offence punishable under Section 302 of the
Indian Penal Code, whereby the prayer for bail of the petitioner
was rejected.

As per the prosecution case, this petitioner is alleged
to have strangled minor son of the informant on a petty issue



of plucking Guava who during course of treatment died.

It is submitted on behalf of the petitioner that Juvenile Justice Board, Araria on being inquired the age of the accused juvenile found him aged about 17 years 11 months and 3 days on the date of occurrence and declared him juvenile vide order dated 18.09.2020. It is further submitted that admittedly, there is land dispute between the parties due to which scuffle took place. Moreover, impugned order reveals that without calling any report from the Probation Officer, finding has been given that the release of the accused juvenile is likely to bring him into association of any known criminal or expose him to moral, physical or psychological danger or his release would defeat the ends of justice. The petitioner being juvenile has been in custody since 05.08.2020 having no criminal antecedent.

Considering the aforesaid facts, this revision application is allowed. The order dated 11.11.2020 passed by learned 1st Additional Sessions-cum-Special Judge (Children), Araria in Special Child Case No. 05 of 2020 arising out of Bhargama P.S. Case No. 128 of 2020, is set aside.

Let the petitioner above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



1st Additional Sessions-cum-Special Judge (Children), Araria in connection with Special Child Case No. 05 of 2020 arising out of Bhargama P.S. Case No. 128 of 2020 with further condition that the parent or guardian of the petitioner shall file an affidavit for the good behaviour and child's well being for a period of one year.

(Prabhat Kumar Singh, J)

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