

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.83 of 2020

Arising Out of PS. Case No.-77 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

MANNU RAI @ MANNU KUMAR RAI @ MONU KUMAR RAI Son of
Madan Rai Resident of Village-Naya Tola, P.S.-Muffasil, District-Saran,
under the guardianship of Madan Rai the natural guardian and father at the
petitioner

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar

For the Respondent/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 15-03-2021 The present revision petition has been filed against the

order dated 13.11.2019 passed in Criminal Appeal (Juvenile)

No. 33 of 2019 arising out of Chapra Muffasil P.S. Case No. 77

of 2018 corresponding to J.J.B. Case No. 973 of 2019 passed by

the learned District and Sessions Judge-1st, Saran at Chapra,

whereby and whereunder the appeal has been dismissed and the

order of the Juvenile Justice Board, Saran at Chapra dated

03.08.2019 passed in J.J.B. No. 33 of 2019 under Sections 302,

307/34 of the Indian Penal Code and Section 27 of the Arms

Act, rejecting the prayer of the petitioner for grant of bail, has

been upheld.

The case of the prosecution in brief is that on the alleged

date and time of occurrence, the father of the petitioner and his

grand father had destroyed the wheat crop standing in the field



of the informant and upon protest the father of the petitioner tried to crush the informant and others by his tractor. It has also been alleged that ultimately the brother of the informant had died on account of the injuries sustained by him due to him being run over by the tractor being driven by the father of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in observation home since 03.04.2019. It is further submitted that the entire records would show that the petitioner has got no role in the alleged occurrence and in fact the father of the petitioner, who is the main accused, has already been granted bail by a coordinate Bench of this Court vide order dated 07.02.2019 passed in Criminal Misc. No. 79791 of 2018.

Per contra, Shri Binod Kumar, learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record, from which it is apparent that neither any allegation of any sort of overt act has been levelled against the petitioner nor there is any material on record to show the complicity of the petitioner in the alleged occurrence, hence



this Court finds that the impugned orders dated 03.08.2019 and 13.11.2019 suffer from total non-consideration of the actual facts and circumstances of the present case, hence are based on incorrect appreciation of the facts as also law and moreover the same suffers from apparent error on the very face of the same.

This Court further finds from a bare perusal of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 that a child in conflict with law is required to be released on bail ordinarily, except in case, it appears that there are requisite grounds to believe that the release of the child in conflict with law is likely to bring him in association with any unknown criminal or expose him to moral, physical or psychological danger or would defeat the ends of justice, however in the present case, this Court does not find that any of such factors are present so as to impede the grant of bail to the petitioner herein.

Considering the facts and circumstances of the case and the materials available on record as also taking into account the arguments advanced by the learned counsel for the petitioner coupled with the reasoning stated herein above in the preceding paragraphs, I deem it fit and proper to allow the present petition, consequently the order dated 13.11.2019 passed by the learned



District and Sessions Judge-1st, Saran at Chapra passed in Criminal Appeal (Juvenile) No. 33 of 2019 arising out of Chapra Muffasil P.S. Case No. 77 of 2018 corresponding to J.J.B. Case No. 973 of 2019 as also the order dated 03.08.2019 passed in J.J.B. No. 33 of 2019 by the Juvenile Justice Board, Saran at Chapra, are set aside.

Accordingly, the petitioner herein is directed to be released from the remand home on his furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Juvenile Justice Board, Saran at Chapra in connection with J.J.B. No. 33 of 2019, subject to the condition that :-

One of the bailors of the petitioner shall be her mother who at the time of filing of the bonds, shall also give an undertaking that she will take good care of the petitioner and in case, petitioner does not act as per her advice, 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 on the aforesaid terms.

(Mohit Kumar Shah, J)

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