

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.481 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- CHAKAND District- Gaya

WAKIL MANJHI Son of Jamun Manjhi Resident of Village - Bhagalpur,
Bhuintoli, P.S.- Chakand, Distt.- Gaya, through Guardian is Mother Namely
Sajwa Devi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv.
For the Respondent/s	:	Mr.Pushpa Sinha.1, APP
For the Informant	:	Mr. Surendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-10-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Present application has been filed for setting aside the
judgment/order dated 06.07.2021 passed by Spl. Judge
(Children Court), Gaya in Criminal Appeal (Juvenile)
No.33/2021 (C.I.S.) by which the learned Spl. Judge has been
pleased to reject the prayer for bail to the petitioner and
confirmed the order dated 03.06.2021 passed by learned J.J.B.
Gaya in connection with Chakand P.S. Case No.124/2020
registered for the offences punishable under Sections 147, 149,
341, 323, 302, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the First Information Report when the victim boy had gone to
attend the call of nature he was assaulted by altogether 12



named accused persons including this petitioner as a result of which the victim became unconscious and later on while taking to the hospital he died in course of treatment.

Learned counsel submits that in the FIR this petitioner has been named amongst all other family members for the solitary reason that the informant has alleged that the sister of this petitioner had fallen in love with the deceased for which he was assaulted and killed. The case is based on mere suspicion. It is further submitted that there is neither any eye witness to the alleged occurrence nor any independent witness has supported the prosecution case.

Learned counsel further submits that the petitioner has been declared juvenile by the learned Juvenile Justice Board and the social investigation report of the petitioner has been completely misread by the learned Children Court while rejecting the prayer for bail of the petitioner.

Learned counsel has pointed out the opinion of the Probation Officer from the social investigation report. The Probation Officer has recorded that the petitioner has presently got admitted in the intermediate class and he was working on a bricklin and by the same he was earning his livelihood and also assisting his parents monetarily. The Probation Officer has



further stated that the deceased had earlier suffered injuries because of the motorcycle accident but thereafter because of the assault the injury got aggravated and he died. The Probation Officer has recommended to give a chance to the petitioner, though he has stated that there is lack of parental control but at the same time has opined that after obtaining bond from the parents of the petitioner he may be released and kept in the observation of the Probation Officer.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail. In course of argument, learned counsel for the informant has submitted that the petitioner is one of the members of the family and has himself involved in assaulting the deceased. Learned counsel for the informant however does not point out any independent witness in this regard. Admittedly there is no eye witness to the alleged occurrence.

In the facts and circumstances of the case where this petitioner is a juvenile, following the judgment of the Hon'ble Division Bench in the case of **Lalu Kumar & Ors vs. The State of Bihar & Ors** reported in **2019 (4) PLJR 833** according to which the gravity of the offence alone cannot be a ground to reject the prayer for bail of a juvenile and further considering that the



social investigation report of the petitioner talks of giving him an opportunity to mend his ways after obtaining proper bonds from his parents and by keeping him in observation under the Probation Officer, this Court is inclined to set aside the impugned order and directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.J.B., Gaya in connection with Chakand P.S. Case No.124/2020. One of the bailors should be the mother of the petitioner who will furnish an undertaking that while on bail she would not allow the petitioner to fall in any bad company and in case he is found involving himself in any offence the same will be reported to the nearest police station.

The Juvenile Justice Board, Gaya shall also direct the Probation Officer to keep his eyes over the conduct of the petitioner and submit a periodical report from time to time to the Board.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

