

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.684 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- MAIN P.S. District- Gaya

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XXX, Son of Munarik Manjhi @ Mundrika Manjhi @ Mundrika Manzi
under the guardianship of his father Munarik Manjhi @ Mundrika Manjhi @
Mundrika Manzi, Son of Mohan Manjhi @ Mohan Manzi, Resident of Village
- Machhil Tola Chhakauri Bigha, P.S. - Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-06-2022 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner in the present case is seeking setting aside

of the impugned judgment dated 14.09.2021 passed in Criminal

Appeal (Juvenile) No.47/2021 (C.I.S.) by the court of learned

Spl. Judge (Children Court), Gaya, whereby, the appeal for grant

of bail to the petitioner has been dismissed and affirmed the

order dated 21.06.2021 passed by the learned Juvenile Justice

Board, Gaya in connection with Men P.S. Case

No.41/2020/POCSO 145/2020, Misc. 115/2021 which has been



registered for the offences under Sections 376, 302 and 201/34 of the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that as per the First Information Report the daughter of the informant was aged about 17 years. She had left her house at about 8.00 am and had gone behind her house to ease out but thereafter she did not return. In course of search, the informant found that his daughter was lying in unconscious condition in a field situated at a distance of 200 meters south to the house of the informant. Her *salwar* was untied and from the rope of *salwar* her neck had been strangulated. On raising *hulla*, the villagers assembled there and she was being taken to Primary Health Centre but on way she died.

Learned counsel submits that the FIR is against unknown. In course of investigation on the basis of a so-called secret information the police implicated this petitioner and one Bablu Manjhi alleging that they were involved in the commission of the crime. It is further submitted that the petitioner has been adjudged juvenile aged about 14 years 8 months by the Juvenile Justice Board, Gaya. A copy of the order determining the age of the petitioner has been enclosed as Annexure-2.



Learned counsel further submits that the co-accused Bablu Manjhi who is similarly situated has been granted bail by a learned coordinate Bench of this Court vide order dated 20.05.2022 passed in Criminal Revision No.704 of 2021. Reference has also been made to the judgment of the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar** reported in **2019(4) PLJR 833** to submit that keeping in view the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, an application for bail is not decided by reference to classification of offences, as bailable or non-bailable under the Cr.P.C. It is submitted that the Hon'ble Division Bench has held that all persons alleged to be in conflict with law and apparently a child when apprehended must be released except in the three circumstances which are as under :-

- “(i) The release is likely to bring that person into association with any known criminal;
- (ii) The release is likely to expose the said person to moral or physiological danger; and
- (iii) The release would defeat the ends of justice.”

It is further submitted that in the social investigation report it has come that the petitioner seems to have been involved in the alleged crime because of the influence of his bad



companions and steps be taken to reform him in the observation home. Learned counsel submits that the father of the petitioner is ready to stand as surety and ensure that if released on bail he would ensure that the petitioner does not fall in the bad company.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the aforesaid submissions and the judgment of the Hon'ble Division Bench of this Court in the case of **Lalu Kumar & Ors.** (supra) and further considering that the co-accused similarly situated has been granted bail in Criminal Revision No.704 of 2021, the petitioner has otherwise no criminal antecedent and has remained in the observation home since 18.12.2020, this Court sets aside the impugned order and directs release of the petitioner above named 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 Juvenile Justice Board, Gaya in connection with Men P.S. Case No.41/2020/POCSO 145/2020, Misc. 115/2021. One of the bailors should be the father of the petitioner and he will also furnish an undertaking that he will not allow the petitioner to fall in the bad company.



The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, Gaya as regards the conduct of the petitioner.

The 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'.

