

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.4 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- KUWARI District- Araria

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Manish Kumar Mandal, Son of Bhola Prasad Mandal, Resident of village-
Dakaita Kurhaili, Police Station- Palasi, District-Araria, through his natural
Guardian, who is his mother, namely, Pusp Mala Devi @ Push Mala Devi
wife of Bhola Prasad mandal

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Rana, Advocate
For the Respondent/s	:	Mr. Nitya Nand Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 508-08-2025
1. Mother of the CICL is the petitioner of the instant
revision under Section 102 of the Juvenile Justice (Care and
Protection of Children) Act, 2015 (hereinafter described as
“the said Act”).

2. On the basis of a complaint submitted by one
Sarita Devi on 15th of June, 2024, Kuwari P. S. Case No. 25



of 2024, punishable for the offences under Sections 304B/120B/201 of the Indian Penal Code was registered against the CICL.

3. It is not in dispute that during his minority, marriage of the CICL was solemnized with one Kajal Kumari, daughter of the informant (since deceased) on 19th of February, 2024.

4. It is alleged that on 11th June, 2024, the CICL and his wife Kajal Kumari went to the house of the informant and on 12th of June, 2024, the CICL went back to his house. On 13th of June, 2024, the CICL came back to the house of the informant at about 03.00 p.m. On 14th of June, 2024 at about 2 o'clock at night, the CICL took his meal and went to bed with Kajal Kumari in a room. After some time, he raised an alarm that Kajal was not present in the room. The informant rushed to the room and found Kajal lying dead inside the room. It was alleged that CICL committed murder of his wife for non-fulfillment of his illegal demand of dowry after marriage. The CICL was arrested and produced before the learned Judicial Magistrate, 1st Court at Araria on 16th of



June, 2024. He was then produced before the Juvenile Justice Board. The Board conducted an enquiry with regard to the age of the CICL and *vide* order, dated 6th of July, 2024, the age of the CICL, on the date of commission of offence, was found to be 15 years, 9 months and 9 days.

5. An application for bail under Section 12 of the said Act was filed before the Juvenile Justice Board, Araria. The said application was rejected on 29th of August, 2024, on the ground that the CICL is an accused in connection with Sikti P. S. Case No. 257 of 2022. The Board also observed that a matrimonial discord cropped up between the CICL and the deceased due to the reason that their marriage was solemnized during their minority. It is also held that the matrimonial relations of the CICL did not believe him. A sense of disbelieve and hatred was prevailing against the CICL which effect his mental equilibrium, which might lead him to commit murder of his wife.

6. The CICL preferred an appeal before the Children's Court, Araria against the order of rejection of bail, which was registered as Criminal Appeal No. 25 of 2024. The



said appeal was also dismissed.

7. The instant revision challenges the order of rejection of bail by the Appellate Court.

8. The learned Advocate appearing on behalf of the petitioner has filed a written argument, stating, inter alia, that the incident took place in the house of the informant. The post-mortem report of the deceased suggested that her death was caused due to asphyxia as a result of hanging. Thus, it is *prima facie* found that the victim committed suicide. No allegation is put forth by the informant that soon before her death, the victim was treated with cruelty on demand of dowry. Therefore, *prima facie*, allegation of Section 304B of the Indian Penal Code against the CIKL does not come to be established.

9. The learned Advocate on behalf of the State, on the other hand, has raised vehement objection against the prayer for bail.

10. It is submitted by the learned Advocate appearing on behalf of the State that the CIKL is a habitual offender in respect of dealing, concealment and disposal of



stolen property, knowing the said property to be stolen and also under the Arms Act. Another case, being Sikti P. S. Case No. 257 of 2022, is pending against him. Thus, the CICL has ripened his hands in criminal activity from the age of 13 years and, therefore, he should not be released on bail and the instant revision ought to be rejected.

11. I have duly considered the submissions made by the learned counsels for the petitioner as well as the State.

12. It is statutorily directed that the said Act is to be administered on general principle of presumption of innocence of the CICL (*vide* Section 3(i) of the said Act).

13. Section 304B of the Indian Penal Code is the penal provision for dowry death. The ingredients of dowry death are as follows: -

(a) The death of a woman caused by burns or bodily injury or had occurred otherwise than under normal circumstances;

(b) Such death should have occurred within 7 years of her marriage; and

(c) The deceased was subjected to cruelty or



harassment by her husband or by any relative of her husband.

14. In the instant case, victim died within few months of her marriage. Her death was also otherwise than in normal circumstances, but there was absolutely no allegation that the deceased was subjected to cruelty by the CICTL on demand of dowry. Both the Juvenile Justice Board as well as the Appellate Court failed to consider the said aspect. Social Investigation Report recorded the statement of the neighbours of the CICTL. They did not make any adverse remark against the CICTL.

15. Both the Board and the 1st Appellate Court rejected the prayer for bail of the CICTL on the ground that his marriage was solemnized during minority. He could not manage his family life and the matrimonial relations of the CICTL used to possess a sense of disbelieve, disrespect and hatred against him.

16. Suffice it to say that, the above grounds are not prohibitory grounds mentioned in the proviso to Section 12 of the said Act. There is no finding by both the Courts below that the release of CICTL on bail would give him an opportunity to



mix with the known criminals of the locality or his release would expose him to moral, physical and psychological danger or would defeat the ends of justice.

17. For the reasons stated above, I am inclined to allow the instant revision.

18. Accordingly, the instant revision is allowed, on contest.

19. The order, passed by the learned Additional District and Sessions Judge -1st cum Special Judge (Children Court), Araria, on 13th of November, 2024, in Cr. Appeal No. 25 of 2024, is set aside.

20. The petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge -1st cum Special Judge (Children Court), Araria, in connection with Kuwari P. S. Case No. 25 of 2024, with further conditions, which are as follows: -

(i) One of the sureties / bailors must be one of



the parents or a close relative of the petitioner.

(ii) The father or close relative of the petitioner shall file an affidavit before the learned Additional District and Sessions Judge -1st cum Special Judge (Children Court), Araria, in connection with Kuwari P. S. Case No. 25 of 2024, giving a specific undertaking that after release of the petitioner on bail, he will take proper care of the petitioner and will not allow him to fall into bad company.

(iii) The petitioner shall remain present before the Court and/or the police, as the case may be, as and when required.

(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) It is further directed that, if released on bail, the petitioner shall remain under the care and protection of his parents and under the supervision of the Probation Officer. The Probation Officer is directed to file a quarterly report before the concerned Court regarding the antecedents. If any adverse report is filed, the order of



bail shall be cancelled without any further reference to the
Bench.

(Bibek Chaudhuri, J)

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