

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1100 of 2017

=====

Bhagwati Devi @ Bhagia Devi, Wife of Late Amarjeet Sahni, Daughter of Ram Bahadur Sahni, Resident of Village- Ghusha, Jokiya, P.S.- Bhagwanpur, District- Begusari under the guardianship as brother in law namely Ramesh Sahni, Son of Ganesh Sahni, Resident of Village- Govindpur Part in Bachhawara Tola- Dhakajari, P.S.- Bachhwara, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Respondent/s : Mr. Sri Sanjay Kumar Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 21-11-2017 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has preferred this revision application against order dated 22.09.2017 passed by learned District and Sessions Judge, Begusarai in Cr. Appeal No. 77 of 2017 affirming the order dated 08.05.2017 passed by the Juvenile Justice Board, Begusarai in J.J.B.Case No. 107 of 2017 refusing the bail of the petitioner.

Learned counsel for the petitioner submits that admittedly, wife of the deceased is a juvenile as approximately 15 years of age and she has been made accused of killing her husband only on the basis of circumstantial evidence. The learned Board as well as learned Sessions Judge has rejected the bail of



the petitioner only for the reason that in case of release, she may go in association with known criminals and be exposed to physical, moral and psychological danger, though the petitioner has got no criminal antecedent.

The Court has gone through both the orders passed by the Juvenile Justice Board as well as the Sessions Judge. There is nothing in both the orders to show this petitioner is having any criminal antecedent; moreover, on the date of occurrence she was only 15 years of age, as determined by the Juvenile Justice Board after holding inquiry. The gravity of offence is not a ground for refusal of bail to a juvenile. A juvenile has to be released on bail irrespective of bailable or non-bailable offence, so denial of bail is not supported by any material on record as there is no any criminal antecedent of the petitioner. There is no any material in the form of social investigation report showing in case of release she would be exposed to moral, physical or psychological danger.

So petitioner namely Bhagwati Devi @ Bhagia Devi is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Bhagalpur in connection with J.J.B. Case No. 107 of 2017 arising out of Bhagwanpur P.S. Case No. 66 of 2017, G.R. No. 1562 of 2017



with condition that one of the bailors must be a close relative of the petitioner, who will file an undertaking to keep her in proper care so that she may not indulge in any further criminal activity.

(Arun Kumar, J)

Sujit/-

U		T	
---	--	---	--

