

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1404 of 2019

Arising Out of PS. Case No.-206 Year-2018 Thana- VIJAYEPUR District- Gopalganj

Neraj Kumari Daughter of Late Yogendra Gupta @ Yogendra Shah Resident of Village- Kawlachak (Khiridih), P.S.- Vijyeeपुर, District- Gopalganj. Under the guardianship of Dropati Devi (Female) who happens to be mother of Petitioner aged about 43 years Wife of Late Yogendra Gupta @ Yogendra Shah R/o Village- Kawlachak, Babuke Chawani, Post- Bharpurwa, P.S.- Vijyeeपुर, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Respondent/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 14-01-2020 Heard the counsel for the parties.

This criminal revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 against refusal of the prayer of the petitioner for bail by the Juvenile Justice Board, Gopalganj in J.E.No.75 of 2019 arising out of Bijaipur P.S.Case No.206 of 2018 and affirmation of the said order by the lower Appellate Court in Cr.Appeal No.67 of 2019 on 20.09.2019.

The FIR of Bijaipur P.S.Case No.206 of 2018 was registered under Sections 302/201 of the Indian Penal Code against unknown. The name of the petitioner surfaced in the confessional statement of co-accused Prabhawati Devi who has already been allowed bail by a regular court.

Considering the aforesaid material, there was no reason to refuse the prayer for bail to the petitioner by the



Juvenile Justice Board, Gopalganj or by the lower Appellate Court in view of the settled proposition that seriousness of the allegation cannot come in the way of grant of bail under Juvenile Act. The Lower Appellate Court has relied upon the proviso to Section 12 of the Juvenile Justice Board Act for coming to the conclusion, without any material to substantiate the conclusion, that in the event of release, the petitioner would go into association with unsocial elements.

Considering the fact that both the courts have committed error of law inconsistent with the material on the record and mandate of the Juvenile Justice Act, the orders of the court below are hereby set aside and this application is allowed. Let the above named petitioner be immediately released on bail on furnishing surety bond by either of the parents that they would maintain proper upkeep of the petitioner to the satisfaction of learned Principal Magistrate Juvenile Justice Board, Gopalganj in J.E.No.75 of 2019 arising out of Vijyeeपुर P.S.Case No.206 of 2018.

(Birendra Kumar, J)

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