

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.279 of 2021

Arising Out of PS. Case No.-171 Year-2017 Thana- BARHIYA District- Lakhisarai

Tannu Kumari aged about 16 years Daughter Of Bhushan Ram R/O - Gandhi Tola Pachna Road, Sansar Pokhar, Ward No.17, P.S.- Kabaiya (LAKHISARAI), District- Lakhisarai, Under Guardianship And Natural Guardian Of Her Father Namely Bhushan Ram Aged About 49 Years, Son Of Vijay Ram, Resident Of Gandhi Tola Pachna Road, Sansar Pokhar, Ward No.17, P.S.- Kabiya (LAKHISARAI), District- Lakhisarai

... .. Petitioner

Versus

The State Of Bihar

.. ... Respondent

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Respondent/s : Usha Kumari 1, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-06-2021 Heard learned counsel for the petitioner and the State.

Instant Cr. Revision application is directed against order dated 25.2.2021, passed by the Additional Sessions Judge I cum Special Judge Lakhisarai in Barhiya Police Station Case No. 171/2017/Cr.ppeal No.08/2021 registered for the offences punishable under sections 302,201/34 of the Indian Penal Code and 3(2) (V)(A) SC/ST Act, by which prayer for bail of the petitioner has been rejected.

It is alleged that the petitioner used to make physical relation with criminals, formed conspiracy and facilitated murder of two persons. Dead bodies of these persons were found thrown on a railway track.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR, however, her name has come in the case during course of investigation. Petitioner has been found to be juvenile on the date of alleged occurrence as she was 13 years 1 month and 22 days old on that date, as per the order of the Juvenile Justice Board dated 28.1.2021 (Annexure 2). Petitioner is in custody since 15.9.2020.

It appears that the court below has rejected the petitioner's prayer for bail on the ground that if she is released, there is possibility of petitioner falling in the association of criminals and the same can cause problem to her mental and physical condition, without there being any report from Probation officer under the Act.

Learned counsel for the State opposes the prayer for bail.

From perusal of provisions of sections 12 of the Juvenile Justice (Care and Protection of Children) Act, it is evident that the Juvenile Justice Board as well as the Appellate Court are required to look into aspects which may be relevant with reference to three grounds, namely, likelihood of association with criminals, likelihood of moral, physical or psychological danger and likelihood to defeat ends of justice, rather than searching into merits of the case or nature and gravity of appellations.



Considering the rival submissions of the parties as also the position of law as stated above, order dated 25.2.2021, passed by the Additional Sessions Judge I cum Special Judge Lakhisarai in Cr.ppeal No.08/2021 (Barhiya Police Station Case No. 171/2017), is set aside. Accordingly, the petitioner as mentioned above, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I cum Special Judge, Lakhisarai in Criminal Appeal No.08/2021 (Barhiya Police Station Case No. 171 of 2017).

(Prabhat Kumar Singh, J)

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