

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.593 of 2020

Arising Out of PS. Case No.-280 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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Ashish Kumar Yadav @ Aashish Kumar Yadav Son of Kamanand Yadav
under the guardianship of his father namely Kamanand Yadav Son of Birbal
Yadav, Resident of Village- Dira Belsara, P.S. - Raniganj, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh, Adv

For the Respondent/s : Mr.Bipin Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-06-2020 The matter has been taken up through video
conferencing.

Heard the parties.

This criminal appeal under Section 101(5) of the
Juvenile Justice (Care and Protection of Children) Act, 2015 is
against refusal of the prayer for bail by the learned Children
Court, Purnea. The appellant was declared juvenile in
connection with K. Nagar P.S.Case No.280 of 2018 registered
under Section 394 I.P.C. against unknown.

Submission is that there was no material collected
during investigation against the appellant and the ground for
refusal of bail that in the event of release the appellant may go
in association with unsocial elements and there is chances of



moral, mental and psychological threat to the appellant is based on no material.

I find substance in the submission of learned counsel for the appellant, learned court below has refused the prayer for bail in a mechanical manner without material to substantiate the application of proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence, the impugned order is not sustainable. Accordingly, the same is set aside.

Let the appellant, above named, be released forthwith on execution of surety bond by one of the parents that he will keep proper upkeep of the appellant and shall fully cooperate in the enquiry/trial before the learned Children Court.

With the aforesaid observation, this appeal is allowed.

(Birendra Kumar, J)

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