

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4152 of 2019**

Arising Out of PS. Case No.-186 Year-2019 Thana- KHAJANCHI HAT District- Purnia

MD MUMTAZ @ MUMTAZ Son of Islam @ Md. Islam Resident of Village - Madhopara Das Tola, P.S.- K. Hat (Sahayak), District - Purnea. The Father of the appellant is the Natural Guardian namely Islam @ Md. Islam Aged about 70 years Son of Late Sagir

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Ram Prawesh Kumar, Advocate.

For the Respondent/s : Mr.Abha Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      26-02-2020      Heard learned counsel for the parties.

This appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 has been preferred against the refusal of the prayer for bail of the appellant vide order dated 08.08.2019 passed by learned Children Court, Purnea in K. Hat (Madhubani) Case No. 186 of 2019 corresponding to Special Children Case No. 11 of 2019 registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The appellant is not named in the F.I.R., whereas two others are named in the F.I.R. Name of the appellant has surfaced in the confessional statement of the co-accused who has already been allowed bail vide order at Annexure-2.

Considering the aforesaid fact, non-grant of bail to a



juvenile on flimsy ground which is not supported by material on the record that in the event of release, there is chances of physical, mental and psychological insecurity of the appellant, is not sustainable in law. Hence, the impugned order is hereby set aside and this appeal is allowed.

The appellant, above named, is directed to be released at once on execution of surety bond by either of the parents of the appellant giving undertaking that they shall keep proper care and upkeep of the appellant and shall fully cooperate in the pending proceeding before the Children Court.

**(Birendra Kumar, J)**

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