

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1281 of 2020

Arising Out of PS. Case No.-576 Year-2018 Thana- PUPRI District- Sitamarhi

ANIL RAI @ ANIL KUMAR S/o Shatrughan Rai @ Kunkun Rai Resident of Village- Sapha, P.S.- Pupri (Choraut), Distt- Sitamarhi Under the guardianship of his mother Tulfi Devi W/o Shatrughan Rai @ Kunkun Rai, R/o Village- Sapha, P.S.- Pupri (Choraut), Distt- Sitamarhi.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha
For the Respondent/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-05-2021 Heard learned counsel for the appellant and learned counsel for the State through video conferencing.

This appeal has been preferred under Section 101 (5) of the Juvenile Justice (Care and Protection of Children) Act, 2015, against the order dated 15.10.2019 passed in Pupri P.S. Case No. 576 of 2018 registered under Sections 302, 201/34 of the Indian Penal Code by learned 1st Additional Sessions Judge-cum-Special Judge, (Children Court), Sitamarhi whereby and whereunder the prayer for bail of the appellant has been refused though the appellant has been declared child in conflict with law by the learned J.J. Board, Sitamarhi.



The appellant was declared juvenile by the Juvenile Justice Board and the order got finality.

Learned counsel for the appellant submits that there is no direct evidence against the appellant and both the Courts below ignored the mandate of Juvenile Justice Act which requires that bail to a juvenile is a right and the refusal is an exception. The seriousness of the offence is no consideration for refusal of bail as required under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Moreover, without any material on record to substantiate that in the event of release, appellant would go into association with unsocial elements and would be exposed to moral, physical and psychological danger, the Courts below have refused the prayer on this ground.

Considering the totality of the facts and the circumstances as discussed above, this application is allowed and the aforesaid orders dated 15.10.2019 is set aside.

Let the appellant, above named, be released at once on execution of bond by either of the parents of the appellant giving undertaking that he/she shall keep proper



care and upkeep of the appellant and shall fully cooperate
with the investigation/trial against the appellant.

(Anjani Kumar Sharan, J)

GAURAV S./-

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