

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.421 of 2022**

Arising Out of PS. Case No.-14 Year-2021 Thana- BIND District- Nalanda

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AMARJEET KUMAR S/o Gopal Prasad R/o Village- Chulihari, P.S.-
Asthawan, District- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raj Kishor Prasad
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 18-08-2022 Heard the parties.

This is an appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 against refusal of the prayer for bail to the appellant by order dated 06.09.2021 passed by Additional Sessions Judge 1st, Nalanda at Biharsharif in connection with Children Case No.17 of 2021 arising out of Bind P.S.Case No.14 of 2021.

On bare perusal of provision of Section 12 of the Juvenile Justice (Care and Protection and of Children) Act, 2015, it appears that Juvenile in conflict with law shall be released on bail unless there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or



psychological danger or that his release would defeat the ends of justice.

The impugned order mentions that the juvenile is enough mentally mature to understand the nature and consequences of his act and there is threat to his safety.

The existence of the aforesaid ground should not mean guesswork but it should be supported by some evidence on record such as report of the Probation Officer etc. The Children Court has not recorded any such evidence in support of its finding. The probation report shows that the appellant may be released under the strict supervision of Probation Officer after proper counseling of juvenile and his family.

As such, the rejection of the prayer for bail of the appellant is unjustified and against the intention of the provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The same is, accordingly, set aside.

Accordingly, the appellant, above named, is directed to be released on bail on the following terms and conditions:-

(i) The natural guardian of the appellant shall execute a surety bond giving undertaking that upon release on bail the appellant will not be permitted to come into contact or association with any known criminal or allowed to be exposed



to any moral, physical or psychological danger and further that the natural guardian will ensure that the appellant will not repeat the offence;

(ii) The appellant and his natural guardian will report to the District Probation Officer on the first week of the every calendar month.

(iii) The District Probation Officer will keep strict vigil on the activities of the appellant and regularly draw up his social investigation report that would be submitted to the Juvenile Justice Board on such periodical basis as the Juvenile Justice Board may determine and;

(iv) The appellant shall fully co-operate in the pending inquiry/trial.

Let the defects as pointed out by the office be removed within a period of four weeks.

(Arvind Srivastava, J)

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