

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.217 of 2022

Arising Out of PS. Case No.-170 Year-2020 Thana- KAUWAKOL District- Nawada

CHANDAN KUMAR S/O UTTAM YADAV @ DOMAN YADAV R/o
village- Islamnagar, P.S.- Chandradeep, District- Jamui

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rudal Singh

For the Respondent/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 11-08-2022 Heard learned counsel for the appellant and learned
counsel appearing on behalf of the State.

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 07.12.2021 passed by the Special Judge (Children)-cum 1st Additional District and Sessions Judge, Nawada in connection with Kawakol P.S. Case No. 170 of 2020 (Child Case No. 17 of 2021).

The impugned order mentions that the allegation leveled against the appellant is serious in nature.

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.

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. Accordingly, the impugned order dated 07.12.2021 passed by the 1st Special Judge (Children)-cum-1st Additional District and Sessions Judge, Nawada in connection with Kawakol P.S. Case No. 170 of 2020 (Child Case No. 17 of 2021) is set aside.

Let the appellant, above named, be enlarged on bail on execution of surety bond by either of the parents of the appellant or in absence thereof, by his/her close relatives giving undertaking that they shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/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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