

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.522 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

=====

MOHIT KUMAR @ MOHIT SINGH SON OF SANTLAL SINGH R/O
VILLAGE- PANIADIH, P.S.- BHAGWANPUR, DISTRICT- SIWAN
UNDER THE GUARDIANSHIP OF HIS MOTHER DEVANTI DEVI
WIFE OF SANTLAL SINGH

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Awadhesh Ram S/o Late Babulal Ram R/o Village- Ratan Panroli
Tiwary Tola, P.S.- Bhapanwan pur Hat, Distt- Siwan,

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Basant Kumar Singh, Adv. Mr. Vishesh Kumar Singh, Adv. Mr. Saharsh Shubham, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

6 08-12-2022 Heard learned counsel for the appellant and learned

Additional Public Prosecutor appearing on behalf of the State.

Despite service of notice, no one has appeared on
behalf of the respondent no. 2.

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
23.12.2021 passed by the Children Court-cum-Additional
District and Sessions Judge-I-cum-Special Judge, Siwan in Cr.
Appeal No. 44 of 2021, whereby and whereunder the order
dated 25.10.2021 passed in connection with Bhagwanpur Hat
P.S. Case No. 102 of 2021 refusing bail to the appellant, has



been confirmed.

On bare perusal of provision of Section 12 of the Juvenile Justice (Care and Protection 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 release of the appellant would defeat the ends of justice and his release is likely to bring him into physical or psychological danger on account of dispute between two communities of two villages.

The existence of the aforesaid grounds should not mean guesswork but it should be supported by some evidence on record such as report of the probation officer etc. The report of the probation officer does not mentions anything as has been recorded by the Children Court. Further the report of the probation officer suggests that the conduct of the appellant has been found to be good and no comment has been made with regard to his behaviour before this incident.

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.

Let the appellant, above named, be enlarged on bail on execution of surety bond by the parents/close relative of the appellant giving undertaking that they shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/trial.

The appeal stands disposed of.

(Arvind Srivastava, J)

utkarsh/-vaishali

U		T	
---	--	---	--

