

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.773 of 2022

Arising Out of PS. Case No.-90 Year-2019 Thana- PIRPAINTI District- Bhagalpur

RAJA KUMAR CHAUDHARY Son of Dinesh Chaudhary Resident of Parasbana, Amapali, P.S.- Pirpainti, Bhagalpur, though his Fasther/Guardian Dinesh Choudhary, aged -57yrs., Son of Situ Choudhary, resident of Parasbana, Amapali, Pirpainti, Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madan Mohan, Adv.
For the Respondent/s : Ms.Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 11-08-2022 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 28.09.2021 passed by 1st Additional District & Sessions Judge-cum-Special Judge (Children), Bhagalpur in connection with Special Case (Children) No.05 of 2020 arising out of Pirpainti P.S. Case No. 90 of 2019.

The impugned order mentions that since charge has already been framed and the case has been fixed for prosecution evidence, the court below was not inclined to release the appellant on bail. The court below has not recorded the reasons as contained in Section 12 of the aforesaid Act.

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. The same is, accordingly, 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 of parents, 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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