

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1121 of 2022

Arising Out of PS. Case No.-264 Year-2019 Thana- LAUKAHI District- Madhubani

JITENDRA THAKUR @ JITENDRA KUMAR THAKUR S/o of Sri Ganga Prasad Thakur @ Gangai Thakur Resident of Village - Kakardobh, P.S. - Laukahi, District - Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Saroj Kumar Sharma
		Ms. Kiran Kumari
For the Respondent/s	:	Mr. Anita Kumari Singh, APP

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 11.01.2022 passed by the 1st Additional Sessions Judge, Madhubani in connection with Sessions Trial No. 168 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 allegation leveled against the appellant is serious in nature. There is no proper care and control of parents on the appellant due to which he involved in such an offence.

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 Children Court has not recorded any evidence in support of its finding. The report of the Probation Officer does not mention anything as contained in proviso to Section 12 of the said Act. The probation report contains that the appellant lives with his parents. There is no need of rehabilitation of the appellant. He bears good character and also wants to continue his study. In such view of the matter, the prayer for bail of the appellant may be considered under the supervision of the probation officer keeping in view his conduct, condition of his family and his future prospects.

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 11.01.2022 passed by the 1st Additional Sessions Judge, Madhubani in connection with Laukahi P.S. Case No. 264 of 2019 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.

(Arvind Srivastava, J)

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