

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1043 of 2022**

Arising Out of PS. Case No.-767 Year-2021 Thana- KHAJANCHI HAT District- Purnia

KUMAR SANU @ SONU KUMAR SON OF LATE AJIT KUMAR SINGH
@ AJIT SINGH THROUGH HIS GUARDIAN NAMELY- PURANDAR
PRASAD SINGH MALE, AGE 69 YEARS, SON OF LATE HARIHAR
PRASAD SINGH BOTH R/O VILLAGE- SUKHA NAGAR, P.S.-
PRATAPGANJ, DISTRICT- SUPAUL

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha, Adv.
For the Respondent/s : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER**

4 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 21.02.2022 passed by A.D.J. 1st-cum-Special Judge (Kishor), Purnea in connection with Special (Kishor) Case No.09 of 2021, CIS No.09 of 2021 arising out of K.Hat (Madhubani) P.S. Case No.767 of 2021.

The impugned order mentions that it is not in the benefit of the appellant to release him on bail because the appellant needs counseling for reformation and improvement in his conduct for which his custody in place of safety appears

desirable. 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.

From perusal of the probation report, it appears that nothing has been mentioned as contained in Section 12 of the aforesaid Act. The report mentions that the appellant has been a meritorious student. The case of the appellant may be considered sympathetically keeping in view the possibility of improvement of the appellant in future.

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.

(Arvind Srivastava, J)

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