

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1227 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- RIGA District- Sitamarhi

VIKAS KUMAR YADAV Son of Milam Yadav Through his Father Milam Yadav Age about 47yr. Son of Badar Rai , Resident of Village - Kusumpur Bakhri, P.S.- Riga, Distt.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subodh Kumar

For the Respondent/s : Ms.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 11-08-2022 Heard learned counsel for the appellant and learned Addl. P.P. appearing for 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 07.02.2022 passed by learned Additional Sessions Judge I-cum-Special Judge, Children Court, Sitamrhi in Riga P.S. Case No. 337 of 2021.

On bare perusal of provision of section 12 of the aforesaid Act, 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 release of the appellant would expose him to moral, physical and psychological danger and would also defeat the ends of justice.

The mere existence of the aforesaid ground should not mean guesswork but it should be supported by some evidence on record such as report of the probation officer. The report of the probation officer does not mention anything as has been recorded by the Children Court. Rather, the probation officer has reported that the appellant needs to be kept under strict discipline.

In above view of the matter, rejection of the prayer for bail of the appellant is unjustified and against the mandate of law. The impugned order 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 giving undertaking that they shall keep proper care and upkeep of the appellant so that he may not indulge in bad association and shall fully cooperate in the pending enquiry/trial.

(Arvind Srivastava, J)

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