

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1205 of 2022

Arising Out of PS. Case No.-427 Year-2019 Thana- BUDDHACOLONY District- Patna

MANISH KUMAR S/o Ram Ekbal Paswan R/o village- Maaganpur, P.S.-
Bhagwanpur, District- Vaishali, At present Samiti, Near Pokhari, P.S.- Town,
District- Vaishali

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Dubey, Adv.

For the Respondent/s : Mr. Sujit Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 03-11-2022 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 07.03.2022 passed by the Special Judge, Children Court-cum-A.D.J.-I, Patna in connection with Special (Child) Case No. 02 of 2022, J.J.B. Case No. 357 of 2021 arising out of Buddha Colony P.S. Case No. 427 of 2019.

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 association with any known criminal or expose him to moral, physical or psychological danger.

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 this is a matter of love affair. Both have solemnized court marriage and in that connection, a marriage certificate is enclosed.

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)

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