

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2759 of 2021

Arising Out of PS. Case No.-376 Year-2019 Thana- DHAMDAHA District- Purnia

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BADAL MANDAL Through his Father/Guardian Mantu Mandal @ Mantu Kumar Mandal, S/o Jayprakash Mandal R/o village- Baran Nirpur, P.S.- Dhamdaha, District- Purnea

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. N.K. Agrawal, Sr. Adv. With
Mr. Preety Kunwar, Adv.

For the Respondent/s : Mr. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 25-08-2022 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 25.02.2021 passed by learned Additional Sessions Judge I-cum-Children Court, Purnea in Special Kishor No. 01 of 2021 (CIS No. 1 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 releasing the applicant on bail would defeat the ends of justice as also the provisions of section 12 of the Juvenile Justice (Care and Protection of Children) Act.

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 neighbours of the appellant informed positive facts about the applicant. She reported that the Director of the Coaching institute where the applicant used to study told that the applicant is a disciplined student. She further reported that she made inspection of the place of occurrence and made query with regard to the occurrence from a beetle shop owner who told about the occurrence but denied about the complicity of the appellant in the alleged occurrence. She has also reported that the family members of the appellant are eager to get the appellant released on bail and the father of the appellant told that his other son is handicapped.



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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