

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1423 of 2022

Arising Out of PS. Case No.-566 Year-2020 Thana- MUFFASIL District- West Champaran

MAJID HUSSAIN son of Akhtar Hussain Resident of Mohalla- Industrial
Area (Lalu nagar), P.S. - Mufassil Bettia, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Asif Kalim

For the Respondent/s : Mr.Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 29-09-2022 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 08.02.2022 passed by 1st Additional Sessions Judge-cum-Children Court, Bettiah, West Champaran in connection with Special Case No.04 of 2021 arising out of Bettiah Mufassil P.S. Case No.566 of 2020.

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 if the appellant is released on bail, the life of the appellant may be in danger and the security of his interest may also at risk.

The 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 etc. The Children Court has not recorded any such 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 mentions that the involvement of the appellant does not appear in this case. The name of the appellant has surfaced in this case on the basis of involvement of his family members. The report also suggests that the juvenile may be considered for his release after keeping him under supervision for some times. The appellant also needs for proper monitoring so that such type of incident does not recur.

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 uncle of the appellant giving undertaking that he 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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