

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1592 of 2022

Arising Out of PS. Case No.-372 Year-2021 Thana- KHAJANCHI HAT District- Purnia

MD SAKIB ALIAS RAHUL SON OF LATE ABDUL LATIF RESIDENT OF VILLAGE- KORATBARI MADHUBANI , P.S- K.HAT (MADHUBANI) DIST- PURNEA, THE MOTHER OF THE APPELLANT IS THE NATURAL GUARDIANSHIP NAMELY SAFINA KHATOON AGED ABOUT 37 YEARS FEMALE WIFE OF LATE ABDUL LATIF, RESIDENT OF VILLAGE KORATBARI MADHUBANI P.S- K.HAT (MADHUBANI) DIST- PURNEA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna. APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

6 24-11-2022 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 29.03.2022 passed by the Additional Sessions Judge-I-cum-Special Judge, Kishor Court, Purnea in connection with K.Hat P.S. Case No. 372 of 2021 arising out of Special Kishor Case No. 01 of 2022.

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 mention anything as has been recorded by the Children Court. Further the report of the probation officer suggests that the appellant belongs to poor class family. On inquiry, local people told that the appellant might have come under the bad group as there was no proper guardianship although they were sympathetic towards the appellant. The report also suggests that the appellant needs proper counselling and rehabilitation.

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 relatives 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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