

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1695 of 2022

Arising Out of PS. Case No.-275 Year-2019 Thana- KOTWA District- East Champaran

RAJ KUMAR BHAGAT @ RAJ KUMAR Son of Mahadeo Bhagat Resident
of Village - Kalyanpur Brit, P.S.- Kotwa, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhurendra Kumar, Adv.

For the Respondent/s : Mr. Syed Ashfaque Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 10-11-2022 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 11.01.2022 passed by the Additional District and Sessions Judge-I, East Champaran, Motihari in connection with Children Trial No. 17 of 2021 arising out of Kotwa P.S. Case No. 275 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 appellant is physically and mentally sound and he behaves like an adult. If the appellant will be released on bail then there is chance to go of the appellant with the criminal associates.

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 land dispute between the family members. Further he suggests that for the better future and positive changes in the behaviour of the appellant, he may be given benefit of the said Act.

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)

utkarsh/-

U		T	
---	--	---	--

