

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1860 of 2022

Arising Out of PS. Case No.-260 Year-2017 Thana- BARH District- Patna

MANIK SINGH @ MANIK KUMAR @ ADITYA KUMAR SON OF
MANOJ SINGH A JUVENILE IN CONFLICT WITH LAW- R/O
VILLAGE- SHAMBHUPURA, P.S.- NAUBATPUR, DISTRICT- PATNA
UNDER THE NATURAL GUARDIANSHIP OF HIS MOTHER, MANJU
KUMARI SHARMA, AGED ABOUT 46 YEARS (FEMALE) WIFE OF
MANOJ SINGH, R/O VILLAGE- SHAMBHUPURA, P.S.- NAUBATPUR,
DISTRICT- PATNA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Sunil Kumar Pathak, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 17-11-2022 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 22.04.2022 passed by the Special Judge, Children Court, Patna in connection with Special (Child) Case No. 15 of 2021 arising out of Barh P.S. Case No. 260 of 2017.

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 the appellant can be kept under the supervision of his mother. According to mother, there is no one except the appellant to take care of her. She undertakes that she will keep the appellant under her supervision.

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 mother of the appellant giving



undertaking that she 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/-vaishali

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

