

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1874 of 2022**

Arising Out of PS. Case No.-110 Year-2019 Thana- DANDARI District- Begusarai

RANBIR KUMAR S/o Harinandan Mahto R/o village- Samsa, P.S.-
Nawkothe, District- Begusarai, Through under the guardianship of his own
married sister namely Seema Kumari aged 24 years D/o Harinandan Mahto,
W/o Sonu Kumar, R/o village- Pakri, P.S.- Birpur, District- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nakul Kumar Jamuar
For the Respondent/s	:	Mr. A.M.P. Mehta

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER**

4 29-09-2022 Heard learned counsel for the appellant and
learned counsel appearing on behalf of the State.

This memo of appeal has been filed for setting
aside the order dated 26.11.2021 passed by the learned 1st
Additional Sessions Judge-cum-Children Court, Begusarai in
connection with J.J.C.P. Case No. 110 of 2019 arising out of
Dandari P.S. Case No. 110 of 2019.

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 the appellant has been made accused in the case for possessing illegal arms and committing crime along with others.

The Children Court has not recorded any evidence in support of its finding as contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The report of the Social Investigation suggests that for welfare of the appellant, the appellant needs strict discipline and proper counseling. Further the report mentions that for better future of the appellant, not to turn towards crime, to become a responsible citizen and to bring him in the mainstream of the society, there appears to be a need of special attention, care, psychological assistance, proper counseling and education.

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. Accordingly, the impugned order dated 26.11.2021 passed by the 1st Additional Sessions Judge-cum-Children Court, Begusarai in connection with

J.J.C.P. Case No. 14 of 2021 arising out of Dandari P.S. Case No. 110 of 2019 is set aside.

Let the appellant, above named, be enlarged on bail on execution of surety bond by sister 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.

(Arvind Srivastava, J)

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