

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2114 of 2022**

Arising Out of PS. Case No.-552 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

ISHTIYAK FARUQI @ LANGARA Under guardianship of his natural guardian father namely Safik Faruqi @ Safik Miya R/o village - Barkat Nagar, Ward No.- 11, P.S.- Mohania, District - Kaimur at Bhabua

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Tribhuwan Narayan  
For the Respondent/s : Mr. Zeyaul Hoda

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

5      29-09-2022                      Heard learned counsel for the appellant and learned counsel appearing on behalf of the State.

The present memo of appeal has been filed against the order dated 29.04.2022 passed by the 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with Adult C. Tr. No. 06 of 2022 arising out of Mohania P.S. Case No. 552 of 2021, whereby and whereunder the prayer for bail of the appellant was rejected.

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 continued institutionalization of the appellant would keep him away from his peer group members who are having negative influence on his personality. Further it mentions that keeping the appellant under the discipline at the institution would be in the interest of the appellant.

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 Children Court has not recorded any 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 report of the Probation Officer suggests that there is an urgent need of the appellant to provide a reasonable socio-economic environment as well as discipline and moral control and a cursory monitoring.

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 29.04.2022 passed by the 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with Adult C. Tr. No. 06 of 2022 arising out of Mohania P.S. Case No. 552 of 2021 is set aside.

Let the appellant, above named, be enlarged on provisional bail on execution of surety bond by either of the parents of the appellant or in absence thereof, by his/her close relatives giving undertaking that he/she shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/trial.

Permission is granted to the learned counsel for the appellant to remove the defect no. 6(10) as pointed out by the office in course of the day.

**(Arvind Srivastava, J)**

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