

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3806 of 2021**

Arising Out of PS. Case No.-16 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

VIKASH KUMAR S/o CHOLHAI TANTI @ CHOLHAI MANDAL @
CHULAHA MANDAL R/o VILLAGE-BARHARI, P.S-GHORADIH,
DISTRICT-BHAGALPUR THROUGH HIS MOTHER NAMELY CHEENA
DEVI Appellant/s

Versus

THE STATE OF BIHAR Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra, Adv.
For the Respondent/s : Mrs.Anita Kumari Singh, APP

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

5 01-11-2022 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 12.08.2021 passed by Special Judge (Children), Bhagalpur in connection with Special Case (Children) No.08 of 2020 arising out of Jagdishpur (Goradih) P.S. Case No.16 of 2020.

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's father is a handicapped person and his brothers are labourers who work out of the State and the appellant is not in their control and he is found indisciplined and disobedient.

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

The Social Investigation Report mentions that the appellant is an illiterate person and he belongs to a very poor family. His father is a handicapped person. The appellant may be counselled regularly so that he can move on path of living a disciplined life.

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.

Having considered the aforesaid facts and circumstances of the case as well as the social investigation report, the appellant should be released on bail with strict conditions. Accordingly, the appellant, above named, is directed



to be enlarged on bail on the following terms and conditions:-

(i) The natural guardian (mother) of the appellant shall execute a surety bond giving undertaking that upon release on bail, the appellant will not be permitted to come into contact or association with any known criminal or allowed to be exposed to any moral, physical or psychological danger and further that the natural guardian (mother) will ensure that the appellant will not repeat the offence;

(ii) The appellant and his natural guardian (mother) will report to the District Probation Officer on the first week of the every calendar month;

(iii) The District Probation Officer will keep strict vigil on the activities of the appellant and regularly draw up his social investigation report that would be submitted to the Juvenile Justice Board on such periodical basis as the Juvenile Justice Board may determine; and

(iv) The appellant shall fully co-operate in the pending inquiry/trial.

(Arvind Srivastava, J)

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