

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3121 of 2022

Arising Out of PS. Case No.-956 Year-2021 Thana- SITAMARHI District- Sitamarhi

X Son of Jitendra Kumar R/V- Mehsaul Ward No. 25, P.S- Sitamarhi, Dist- Sitamarhi, through his guardian and mother namely Chandni Devi, aged about 42 years, Wife of Jitendra Kumar, Resident of Village- Mehsaul Ward No. 25, P.S- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikash Kumar Jha

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 24-11-2022 Heard learned counsel for the appellant and learned counsel for the State.

This is an appeal under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 filed for setting aside the order dated 26.07.2022 by which the learned Additional Sessions Judge-cum-Special Judge (Children Court), Sitamarhi has refused to grant bail to the appellant in connection with Sitamarhi P.S. Case No. 956 of 2021.

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 release of the appellant may defeat the ends of justice and the atmosphere outside the place of safety is not safe for him and if the appellant is released on bail, it would expose him to moral, physical and psychological danger.

The existence of the aforesaid grounds should not mean guess work but it should be supported by some evidence on record such as report of Probation Officer etc. The Children Court has not recorded any such evidence in support of its finding.

The Probation Report suggests that the appellant is living with his parents. There are ample possibilities of the appellant to be a good citizen for which there is necessity of proper guidance and professional training.

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 either of the parents 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.

(Arvind Srivastava, J)

shailendra/-

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

