

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4361 of 2021**

Arising Out of PS. Case No.-143 Year-2019 Thana- DALSINGHSARAI District- Samastipur

MANJAY KUMAR S/o- Mahendra Rai Resident of Village- Raghubarapur,
P.S.- Dalsinghsarai, Distt- Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar

For the Respondent/s : Mr. Binod Bihari Singh

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

6 11-08-2022 Heard learned counsel for the appellant and learned
counsel appearing on behalf of the State.

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 07.09.2021 passed by the 1st Additional Sessions Judge-cum-Juvenile Judge, Samastipur in connection with Dalsinghsarai P.S. Case No. 143 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 if the appellant is released, there is reasonable ground to bring the appellant in association with any criminal or expose him to moral, physical danger, which would defeat the ends of justice.

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 has been recorded by the Children Court. Therefore, the prayer for bail of the appellant should not have been refused against the mandate of the law.

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 07.09.2021 passed by the 1st Additional Sessions Judge-cum-Juvenile Judge, Samastipur in connection with Dalsinghsarai P.S. Case No. 143 of 2019 is set aside.

Let the appellant, above named, be enlarged on 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 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	
---	--	---	--