

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4393 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- PUNAURA District- Sitamarhi

BIPIN KUMAR Son of Rama Singh Resident of Village - Bishanpur kamdar,
P.S.- Suppi, Dist.- Sitamarhi at Present Residing at Bantolwa Bishwakarma
Nagar, Ward no.9, P.S.- Punaura, Dist.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Adv.
For the Respondent/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 07-12-2022 Heard the parties.

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 10.09.2021 passed by the Additional Sessions Judge-cum-Special Judge (Children's Court), Sitamarhi in connection with Punaura P.S. Case No. 115 of 2021.

On bare perusal of provision of Section 12 of the Juvenile Justice (Care and Protection 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 condition outside the observation home is not safe for the appellant and his release would expose him to moral, physical or psychological danger and it would also 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 report of the probation officer does not mentions anything as has been recorded by the Children Court. Further the report of the probation officer suggests that for rehabilitation of the appellant, he may be given proper care and counselling.

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 the parents/close relative 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.

The appeal stands disposed of.

(Arvind Srivastava, J)

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