

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3222 of 2022

Arising Out of PS. Case No.-185 Year-2019 Thana- BIHPUR District- Bhagalpur

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Kishor Kumar @ Jai Kishor Yadav @ Jai Kishor Kumar S/o Late Arjun Yadav
R/o village- Ganoul, P.S.- Bihpur (Bhawanipur), District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rakesh Kumar Singh
For the Respondent/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 14-12-2022 Heard counsel for the parties.

Earlier the prayer for bail of the appellant was rejected vide order dated 29.05.2020 passed in Cr. Misc. No. 2300 of 2020 (Annexure-1).

It is submitted on behalf of appellant that after rejection of the prayer for regular bail vide order dated 29.05.2020, appellant has been declared juvenile vide order dated 22.02.2021 passed under Section 94 of the Juvenile Justice (Care & Protection of Children) Act, 2015 on the date of commission of offence. Appellant is in custody since 03.07.2019.

From perusal of the impugned order, it appears that the court below rejected the bail application by taking into consideration the merit, gravity and seriousness of the offence



which is contrary to the mandate of section 12 of the Juvenile Justice Act, 2015. A juvenile has to be released on bail unless the court has reasonable ground to believe that his release will bring him into association of some known criminals or his release would defeat the ends of justice. In the Social Investigation Report, there is nothing adverse against him. Once, the grounds mentioned in section 12 of the Juvenile Justice Act, 2015 is made out, only consequence is release of juvenile.

Considering the aforesaid facts and circumstances as well as the position of law as stated above, the order dated 20.07.2021 passed by learned 1st Additional District & Sessions Judge, Bhagalpur, is set aside and this criminal appeal is allowed.

Accordingly, let the appellant above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-Bhagalpur in connection with Bihpur (Bhawanipur) PS Case No. 185 of 2019 corresponding to Special Case (Children) No. 08 of 2021, subject to condition that one of the bailor would be close relative of the appellant, who would file an



affidavit giving an undertaking to the effect that he will take care of good behaviour and child’s well being and will not allow him to go in the company of bad elements.

(Prabhat Kumar Singh, J)

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