

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4936 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- KOTWA District- East Champaran

RAUSHAN KUMAR @ RAUSHAN YADAV Son of LAXMAN RAY @
LAKSHAMAN RAY R/o village- Dipau, P.S.- Kotwa, Distt.- East
Champaran, through his father/guardian, about 41 years, S/o Mathura Ray,
R/o village- Dipau, P.S.- Kotwa, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar, Adv.
For the Respondent/s : Mr.Sujit Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 21-07-2022 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 22.11.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran at Motihari in connection with Children Trial No.14 of 2021 arising out of Kotwa P.S. Case No.92 of 2021.

Learned counsel for the appellant submits that the learned court below has committed error in passing the order impugned. The court below has failed to appreciate the fact that the Juvenile Justice Board had assessed the age of the appellant to be above 16 years without conducting any preliminary

assessment with regard to his mental and physical capacity to commit such offence.

Learned Additional Public Prosecutor for the State opposes the prayer for bail and submits that the report of the Probation Officer is silent. From perusal of the order of the Juvenile Justice Board, it appears that the Court below has assessed that the appellant is physically and mentally sound and his case be tried as an adult. The Children Court also found that the appellant is physically and mentally sound and he behaves like an adult. The learned Court also recorded that if the appellant is released on bail, there is possibility of appellant to join with the criminal associates.

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.

Having considered the facts and circumstances of the case, the report of the Probation Officer and the finding of the

learned Court below as also the submissions advanced on behalf of the parties, this Court does not find any error in the order of the Court below. Accordingly, this appeal is dismissed.

(Arvind Srivastava, J)

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