

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1656 of 2023**

Arising Out of PS. Case No.-881 Year-2021 Thana- NAGAR District- Vaishali

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ROHIT KUMAR @ ANKI @ ANKEY Son of Dinanath Thakur Resident of
mohalla-Nakhas Chok, Sidhi Ghat Road, P.S.-Hajipur Town, District-Vaishali

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bela Singh, Adv.
For the Respondent/s : Mr. Abhay Kumar, A.P.P.

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

Date : 01-08-2023

1. Heard learned counsel for the appellant and learned A.P.P. for the State.

2. 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 08.02.2023 passed by Additional District & Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 881 of 2021.

3. 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.

4. The impugned order mentions that considering the nature of allegations against the appellant, releasing him on bail would defeat the ends of justice.

5. The existence of the aforesaid ground 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 such evidence in support of its finding. The report of the Probation Officer does not mention anything as contained in proviso to Section 12 of the said Act.

6. The probation report mentions that the appellant needs rehabilitation and there is strict instruction to keep him under the protection of his family members.

7. 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.

8. 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 relative giving undertaking that he/she shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/trial.

(Arvind Srivastava, J)

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CAV DATE	
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