

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2162 of 2023

Arising Out of PS. Case No.-484 Year-2020 Thana- KESARIA District- East Champaran

RAUSHAN KUMAR S/o- RAMGYAN MUKHIYA, UNDER THE
GUARDIANSHIP OF HIS FATHER RAMGAYAN MUKHIYA Village-
Sundrapur Badai Tola Ps- Kesariya, Dist- E.Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Adv.

For the Respondent/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

5 25-09-2023

1. Heard the parties.

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 02.03.2023 passed by Additional Sessions Judge-I-cum-Special Judge, Children's Court, East Champaran at Motihari in connection with Children Trial No. 22 of 2022 arising out of Kesariya P.S. Case No. 484 of 2020.

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 if the appellant is released on bail, there is a chance of the appellant going in association of criminals or it would also expose him to moral, physical and psychological danger or release of the appellant 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 proper care, regular follow-up and rehabilitation.

7. Let the appellant, above named, be enlarged on bail on execution of surety bond by father of the appellant giving undertaking that he shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/trial.

(Arvind Srivastava, J)

anuradha/-

U		T	
---	--	---	--

