

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2410 of 2023**

Arising Out of PS. Case No.-517 Year-2022 Thana- SABAUR District- Bhagalpur

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RUPESH MANDAL @ RUPESH KUMAR MANDAL Son of Late
Shatrughan Mandal Resident of Village- Shankarpur, PS- Sabour, District-
Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Saroj Kumar Singh
For the Respondent/s : Mr. Zeyaul Hoda

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

Date : 21-09-2023

1. Heard learned counsel for the appellant and
learned counsel appearing on behalf of 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 03.04.2023 passed by the Additional Sessions Judge-I-
cum Special Judge (Children Court) Bhagalpur in connection
with Special Case (Children) No. 05 of 2023 arising out of
Sabour P.S. Case No. 517 of 2022.

3. 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.

4. The impugned order mentions that the release of the appellant would defeat the ends of justice and his release will expose him to moral, physical or psychological danger.

5. 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 mention anything as has been recorded by the Children Court. Further the report of the probation officer suggests that the appellant needs proper guidance of his parents for his better future.

6. 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 impugned order dated 03.04.2023 passed by the learned Additional Sessions Judge-I-cum-Special Judge, (Children Court), Bhagalpur in Special Case



(Children) No. 05 of 2023 arising out of Sabour P.S. Case No. 517 of 2022 is, accordingly, set aside. Let the appellant, above named, be enlarged on bail on execution of surety bond by the mother of the appellant giving undertaking that she will keep proper care and upkeep of the appellant and will fully co-operate in the pending enquiry/trial.

7. The appeal stands disposed of.

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

