

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2501 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- CHANDI District- Bhojpur

ANKIT KUMAR S/O PANKAJ SINGH R/O Village- Rampur, P.S- Chandi,
Distt.- Bhojpur, Through his natural Guardian mother namely Manju Devi,
W/o Pankaj Singh, R/o Vill- Rampur, District- Bhojpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

4 02-11-2023

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 27.04.2023 passed by Special Judge Children-cum-Additional Sessions Judge-1, Bhojpur at Ara in connection with Chandi P.S. Case No. 298 of 2022.

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 (juvenile) 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 in view of the future prospects of the appellant it seems proper to rehabilitate the appellant by keeping him in protection, proper guidance and care of the 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 mother of the appellant by giving undertaking that she shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/trial.



9. The appeal stands allowed.

(Arvind Srivastava, J)

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