

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3252 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- BARHARA District- Bhojpur

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RITISH YADAV @ RITISH KUMAR RAI SON OF NAND BIHARI RAI
RESIDENT OF VILLAGE- DHUSARIYA, WARD NO. 14, P.S.-
BARAHARA, DISTRICT- BHOJPUR UNDER GUARDIANSHIP OF HIS
MOTHER NAMELY CHINTA DEVI, WIFE OF NAND BIHARI RAY
RESIDENT OF VILLAGE- DHUSARIYA, WARD NO. 14, P.S.
BARAHARA, DISTRICT- BHOJPUR

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharmesh Kumar Shrivastava, Adv.
For the Respondent/s : Mr. Abhay Kumar , A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 27-09-2023

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 28.03.2023 passed by 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara in connection with B.P. No. 460 of 2023 arising out of Special Children Case No. 02 of 2023 corresponding to Barahara P.S. Case No. 343 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 suggests that for better future of the appellant there is a possibility of rehabilitation of the appellant through protection, proper guidance and care of the family.

7. Let the appellant, above named, be enlarged on bail on execution of surety bond by mother of the appellant



giving undertaking that 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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