

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3439 of 2023

In
CRIMINAL REVISION No.106 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- SULTANGANJ District- Bhagalpur

RAHUL KUMAR Son of Pintu Bind Resident of Village Dilgaury, Bind Tola, P.S. Sultanganj, District-Bhagalpur. On behalf of Fua as natural guardian of petitioner Riti Kumari aged about 20 years daughter of Chandradeep Bind, Resident of Bind Tola, P.S.-Sultanganj, District-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. PRAMILA DEVI Wife of Late Prakash Bind Resident of Village Dilgaury Bind Tola, P.S.-Sultanganj, District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pravina Kumari, Adv.
For the Respondent/s : Mr. Anil Kumar Singh No. 1,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 17.12.2022 passed by Additional Sessions Judge-I-Special Judge (Children Court), Bhagalpur in connection with Special Case (Children) No.24 of 2022 arising out of Sultanganj P.S. Case No. 182 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 the appellant shows keen interest towards studies and he needs proper counselling 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	
---	--	---	--

