

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3525 of 2023

Arising Out of PS. Case No.-40 Year-2021 Thana- MAHILA P.S. District- Purnia

Manish Kumar Son of Gopal Yadav Resident of Village- Mohania Bazar, Ps-
Banmankhi, Dist- Purnea The Father of the Appellant is the Natural
Guardianship Namely Gopal Yadav Aged 49 Years Male Son of Satynarayan
Yadav, Resident of Village- Mohania Bazar, Ps- Manmankhi Dist- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 31-10-2023

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 07.07.2023 passed by the Additional Sessions Judge-I-cum-Special Judge, Purnea in connection with Special Kishor Case No. 11 of 2022 arising out of Mahila P.S. Case No. 40 of 2021.
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 mentions anything as has been recorded by the Children Court. Further the report of the probation officer mentions that during the inquiry in the village of the appellant, nobody came forward to say anything negative about the appellant and his family members.

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 same is, accordingly, set aside. Let the appellant, above named, be enlarged on bail on execution of surety bond by the father of the appellant giving undertaking that he will keep proper care and upkeep of the appellant and



will fully cooperate in the pending enquiry/trial.

7. The appeal stands disposed of.

(Arvind Srivastava, J)

utkarsh/-

AFR/NAFR	NAFR
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