

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3845 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- PATNA CITY CHOWK District- Patna

KARAN KUMAR Son of Satish Prasad @ Sanchit Kumar Resident of Mohalla - Mirchaigali, P.S.- Chouk, District - Patna under the guardianship of his mother namely Anita Devi, Wife of Satish Prasad @ Sanchit Kumar, Resident of Mohalla - Mirchaigali, P.S.- Chouk, District - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar, Adv.

For the Respondent/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

8 04-09-2023

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 29.09.2022 passed by Additional District and Sessions Judge 1st, Patna in connection with Special (Child) Case No. 05 of 2022 arising out of Chouk Case No. 102 of 2021.

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 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 there is lack of manner, proper guidance and counselling.

7. 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.

(Arvind Srivastava, J)

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