

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.490 of 2020**

Arising Out of PS. Case No.-273 Year-2019 Thana- BRAHMPUR District- Buxar

SURYA PRAKASH CHOUBEY Son of Vishram Choubey Under the guardianship of his father Vishram Choubey, aged about 55 years, Gender - Male, Son of Ramdhari Choubey, Resident of Village - Jawahi Diyar (Mishir Dera), P.S.- Brahmapur, District - Buxar, Bihar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                                            |
|----------------------|---|------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Kamal Nayan Choubey, Sr. Advocate<br>Mr.Prashant Kumar |
| For the Respondent/s | : | Mrs.Abha Singh, APP                                        |

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

3      17-06-2020                      Heard learned counsel for the parties.

The present appeal has been preferred under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as ‘the Act’), putting to challenge an order dated 22.10.2019 passed by learned First Additional District and Sessions Judge-cum-Special Judge, Buxar, whereby the appellant’s application for his release on bail has been rejected.

Mr. Kamal Nayan Choubey, learned Senior Counsel appearing on behalf of the appellant has submitted that indisputably the appellant is a juvenile and in view of the language of Section 12 of the Act, he deserves to be released on



bail. Such privilege could be denied in exceptional circumstances, viz, is likely to bring that person into association with any known criminals or expose the said person to moral, physical or psychological danger. He has submitted that none of these aspects has been taken into account by the Court below while refusing the appellant's prayer for bail. He has drawn my attention to the First Information Report to submit that the appellant has been implicated merely on the basis of suspicion and no overt act has been alleged against him. He has submitted that other person has been allowed regular bail by this Court by order dated 10.01.2020 passed in Criminal Misc. No. 57482 of 2019.

I find substance in the submission made on behalf of the appellant after perusing the impugned order. The Court below has vaguely recorded that there is no chance of revenge on behalf of the informant to juvenile in conflict with law and, therefore, he has been specifically charged for the commission of the offence, while refusing him the privilege of bail.

The impugned order is, accordingly, set aside.

Considering the nature of accusation in the First Information Report, this appeal is allowed with a direction that let the appellant be released on bail on furnishing bail bond of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned First Additional District and Sessions Judge-cum-Special Judge, Buxar in Brahmpur P.S. Case No. 273 of 2019 (Child Case No. 07 of 2019) with an undertaking that father of the appellant will take due care of the appellant in a manner that appellant will not expose himself to moral, physical and psychological danger.

This appeal is allowed.

**(Chakradhari Sharan Singh, J)**

arun/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

