

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.515 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

SHUBHAM SONAR @ CHEDI @ SHUBHAM KUMAR Son of Late
Laxman Sah Resident of Sakuralchak, P.S.- Babarganj District - Bhagalpur,
through his mother/Guardian Mina Devi about 60 years, Female, wife of Late
Laxman Sah, Resident of Sakuralchak, P.S.- Babarganj District - Bhagalpur
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madan Mohan
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 11-08-2022 Heard learned counsel for the appellant and learned
Addl. P.P. appearing for the State.

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
28.10.2021 passed by learned Additional Sessions Judge I-cum-
Special Judge (Children), Bhagalpur in Special Case (Children)
No. 14 of 2021.

On bare perusal of provision of section 12 of the
aforesaid Act, 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.

The impugned order mentions that release of the appellant would expose him to physical and psychological danger and would defeat the ends of justice.

The mere 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. The report of the probation officer does not mention anything as has been recorded by the Children Court. Rather, the probation officer has reported that the appellant needs to be kept under supervision of Probation Officer.

In above view of the matter, rejection of the prayer for bail of the appellant is unjustified and against the mandate of law. The impugned order is, accordingly set aside.

Let the appellant, above named, be enlarged on bail on execution of surety bond by the mother of the appellant giving undertaking that she shall keep proper care and upkeep of the appellant so that he may not indulge in bad association and shall fully cooperate in the pending enquiry/trial.

(Arvind Srivastava, J)

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