

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1623 of 2022**

Arising Out of PS. Case No.-221 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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BHUSHAN KUMAR @ CHANDRA BHUSHAN KUMAR @ CHANDRA
BHUSHAN KUSHWAHA @ BHUSHAN KUSHWAHA SON OF UDAY
BHAGAT @UDAY CHAND BHAGAT @ UDAYCHANDRA BHAGAT
R/O- VILLAGE- BANJARI, PO.- GOPALGANJ, POST- GOPALGANJ,
DISTRICT- GOPALGANJ

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Thakur, Mr. Udbhav and Ms. Vaishnavi Singh, Advocates
For the Respondent/s	:	Mr.Syed Ashfaq Ahmad, APP
For the informant	:	Mr. Lokesh Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER**

2 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
21.02.2022 passed by learned Additional Sessions Judge I-cum-
Children Court, Gopalganj in Gopalganj Town P.S. Case No.
221 of 2020.

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 on release there is likelihood of the appellant getting again involved in such crime and the same would expose him to moral, physical and psychological danger which would lead to ends of justice being defeated.

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 mother and father of the appellant have expressed their willingness to keep the appellant.

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 either of the parents of the appellant giving undertaking that they 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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