

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3119 of 2021

Arising Out of PS. Case No.-25 Year-2016 Thana- KANHAULI District- Sitamarhi

SHUSHIL KUMAR @ SHOSHIL KUMAR S/o Sikendar Purvey R/o village-
Fulkahan, P.S.- Kanhauli, District- Sitamarhi

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar, Adv.
For the Respondent/s	:	Mr.Binod Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 22-12-2022 Let defect no.15 be ignored.

Heard learned counsel for the appellant and learned
A.P.P. 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 23.04.2018 passed by Additional District Judge-I-cum-
Special Judge (Children Act), Sitamarhi in connection with
Kanhauli P.S. Case No. 25 of 2016.

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.

The impugned order mentions that considering the gravity and heinous nature of the offence as well as the materials on record, the prayer for bail of the appellant was rejected.

The probation report suggests that the appellant wants to live with his mother in Delhi where he would get protected environment as he desires to study and do the business. It further suggests that the appellant needs regular guidance and proper supervision so that he may be socially adjusted.

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 either of the parents of the appellant or in absence thereof, by his close relative giving undertaking that he/she shall keep proper care and upkeep of the



appellant and he/she shall fully co-operate and appear in the
pending enquiry/trial.

(Arvind Srivastava, J)

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