

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.388 of 2023**

Arising Out of PS. Case No.-139 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

CHUNNU KUMAR Son of Sri Bhim Singh R/V- Asani, P.S- Udwanthnagar,
Dist- Bhojpur through his legal guardian mother Sunaina Devi, aged about 44
years Wife of Sri Bhim Singh, R/V- Asani, P.S- Udwanthnagar, dist- Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vaishnavi Singh, Adv.

For the Respondent/s : Mr. Syed Ashfaque Ahmad, A.P.P.

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

4 28-08-2023

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 28.11.2022 passed by 1st Additional Sessions Judge-cum-Children Court, Bhojpur at Ara in connection with B.P. No. 6719 of 2022 Special Children Case No. 30 of 2022 arising out of Udwant Nagar P.S. Case No.139 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 also mentions that the appellant has keen interest in his studies who wants to pursue education for his bright future and he is a bright student.

7. 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.



8. Let the appellant, above named, be enlarged on bail on execution of surety bond by mother of the appellant giving undertaking that he/she shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/trial.

(Arvind Srivastava, J)

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