

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1049 of 2023

In
CRIMINAL MISCELLANEOUS No.30200 of 2022

Arising Out of PS. Case No.-355 Year-2016 Thana- PATNA GRP CASE District- Patna

SONU KUMAR Son of Late Mahesh Mahto R/V- Begumpur Goraiyasthan,
P.S- Bypass, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Paswan Son of Late Tulsi Paswan R/V- Wegumpur Side Bajar
P.S- Bypass, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

8 15-09-2023

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 01.10.2021 passed by Additional District and Sessions Judge-Ist, Patna in connection with Patna Junction (Patna Sahib) Case No. 355 of 2016.

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 mentions that appellant is not of a criminal nature and he needs proper guidance and counselling for his better future.

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 uncle of the appellant giving undertaking that he 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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