

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1326 of 2023

Arising Out of PS. Case No.-385 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

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SUPRIYA KUMARI @ CHHOTI KUMARI D/o- Hare Ram Choudhary
Village- Mirjapur Banduar Ps- Nagar Dist- Begusarai at present - Mosadpur
Purbi Tola Ward-11 Ps- Barauni Dist- Begusarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mrs. Vaishnavi Singh, Adv.
For the Respondent/s	:	Mrs. Abha Singh, A.P.P.
		Mr. Pritish Kr. Lal, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

- 6 22-08-2023 1. 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 14.12.2022 passed by Additional Sessions Judge Ist, Begusarai in connection with J.J.C.P. Case No. 03 of 2022 arising out of Town P.S. Case No.385 of 2019.
2. 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.

3. The impugned order mentions that there is no family member to look after the CICL, as the mother of the CICL is in custody and her release would expose her to physical and psychological danger which shall also defeat the ends of justice.

4. 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.

5. The probation report mentions that there is possibility of reform and rehabilitation of the CICL and she can be brought into the mainstream of the society.

6. The learned counsel for the appellant also submits that as of now the mother of the CICL is also released on bail by this Court vide order dated 06.02.2022 bearing Cr. Misc. No. 17939 of 2022.

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 elder sister 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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