

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1241 of 2023**

Arising Out of PS. Case No.-93 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

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BRAJESH KUMAR GOND @ BRAJESH KUMAR S/O RAJESH GOND @
RAJESH KUMAR R/V- Bare P.O Bare, P.S- Bhabhua Dist- Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Kumar Singh S/O Ramdhani Singh R/O Village- Bare, P.O-
Bhabhua, Distt.- Kaimur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Prasad, Adv.
For the Respondent/s : Mr. Aditya Narayan Singh.1, APP

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

Date : 18-09-2023

1. Heard the parties.
2. This is an appeal under Section 102 of the
Juvenile Justice (Care and Protection of Children) Act, 2015
against refusal of the prayer for bail to the appellant by order
dated 21.06.2022 passed by the Additional District Judge-I,
Kamur at Bhabua confirming the order dated 10.05.2022 passed
by Juvenile Justice Board in connection with Juvenile Trial No.
518 of 2022 arising out of Bhabua P.S. Case No. 93 of 2022.
3. On bare perusal of provision of Section 12 of the
Juvenile Justice (Care and Protection 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 the 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 report of the probation officer does not mentions anything as has been recorded by the Children Court. Further the report of the probation officer suggests that the father of the appellant is a teacher. The appellant needs proper guidance of his parents for his better future.

6. 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 the parents of the appellant giving



undertaking that they shall keep proper care and upkeep of the
appellant and shall fully co-operate in the pending enquiry/trial.

7. The appeal stands disposed of.

(Arvind Srivastava, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	19.09.2023
Transmission Date	

