

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1676 of 2023

Arising Out of PS. Case No.-628 Year-2021 Thana- BHAGWAN BAZAR District- Saran

SITA RAM CHOUDHARY @ ADARSH CHOUDHARY Son of Late Ajay Kumar Choudhary Resident of Village - Daulatganj, P.S.- Bhagwan Bazar, District - Saran through his natural guardian namely mother Sunita Choudhary, Aged about 34 Years (Female), Wife of Late Ajay Choudhary, Resident of Village - Daulatganj, P.S.- Bhagwan Bazar, District - Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur Mrs. Vaishnavi Singh Mr. Purushottam
For the Respondent/s	:	Mr. Abha Singh

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 22-09-2023

1. Heard learned counsel for the appellant and learned counsel appearing on behalf of the State.

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 of the appellant by order dated 02.12.2022 passed by the Additional Sessions Judge-I (Children Court), Saran at Chapra in connection with C.C. Case No. 08 of 2022 arising out of Bhagwan Bazar P.S. Case No. 628 of 2021.

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 is likely to bring him into association of his criminal companion, expose him to a moral, physical as well as psychological danger and his release would also defeat the ends of justice.

5. The existence of the aforesaid grounds 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 mention anything as has been recorded by the Children Court. Further the report of the probation officer suggests that the appellant needs proper guidance.

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 impugned order dated



02.12.2022 passed by the learned Additional Sessions Judge-I (Children Court), Saran at Chapra in C.C. Case No. 08 of 2022 arising out of Bhagwan Bazar P.S. Case No. 628 of 2021 is, accordingly, set aside. Let the appellant, above named, be enlarged on bail on execution of surety bond by the mother of the appellant giving undertaking that she will keep proper care and upkeep of the appellant and will fully co-operate in the pending enquiry/trial.

7. The appeal stands disposed of.

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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