

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1536 of 2023**

Arising Out of PS. Case No.-216 Year-2022 Thana- KARPI District- Jehanabad

SHYAM BIHARI KUMAR S/O SHATRUGHAN SINGH @ SATRUDHAN
SINGH R/O VILLAGE- KUSRE, P.S- KARPI, DISTRICT- ARWAL
(UNDER GUARDIANSHIP OF HIS FATHER SHATRUGHAN SINGH @
SHATRUDHAN SINGH

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Adv.

For the Respondent/s : Mrs. Anita Kumari Singh, APP

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

Date : 29-08-2023

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 07.01.2023 passed by the Additional Sessions Judge-I, Jehanabad in connection with Children Case No. 09 of 2022 arising out of Karpi P.S. Case No. 216 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 and there is also chance of his involvement with the criminal society.

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 mentions anything as has been recorded by the Children Court. Further the report of the probation officer suggests that the appellant has interest in better education. The appellant has committed such an offence under the influence of *Gotiya* and other villagers.

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 father of the appellant giving undertaking that he 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.

8. Put up this appeal on 03.10.2023. On that date, the learned counsel for the appellant is directed to file an affidavit showing detailed information with regard to better education of the appellant.

(Arvind Srivastava, J)

utkarsh/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.09.2023
Transmission Date	

