

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1537 of 2023**

Arising Out of PS. Case No.-215 Year-2022 Thana- CHOUTARWA District- West
Champaran

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SAWINDRA YADAV @ SAWINDRA KUMAR YADAV Son of Ekbal Yadav
R/V- Chandaha Rupwaliya PS- Bathwariya Dist- West Champaran under
Guardian Ship mother Maharani Devi aged 54 years W/o Ekbal Yadav R/V-
Chandaha Rupwaliya PS- Bathwariya Dist- W. Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhannjay Kumar No. 2, Adv.
For the Respondent/s : Mrs. Abha Singh, APP

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

Date : 09-10-2023

1. From perusal of the record, it appears that the defect no. 6(1) has already been removed.
2. Heard the parties.
3. 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 23.12.2022 passed by the Additional District and Sessions Judge-I-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Special Case No. 15 of 2022 arising out of Chautarawa (Bathwariya) P.S. Case No. 215 of 2022.
4. 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.

5. The impugned order mentions that if the appellant is released on bail he may indulge in criminal activities which is endanger the moral capacity and future of the appellant.

6. 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 appears to be mature, serious and of social nature. The appellant is a student of B.A. and interested in further studies.

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. 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.

8. The appeal stands disposed of.

(Arvind Srivastava, J)

utkarsh/-

AFR/NAFR	NAFR
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