

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2235 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- ARA NAGAR District- Bhojpur

SAMIR KUMAR son of Late Mako Ram @ Jitendra Ram Mohalla-
Ambedkar Colony, Ps-Ara Nagar, Dist-Bhojpur, under the guardianship of his
mother namely Bindiya Devi, aged-30 years, wife of Late mako Ram @
Jitendra Ram, R/o- ward no-23, Shivganj Ambedkar Colony Ps-Ara Nagar,
Dist-Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No. 2, Adv.

For the Respondent/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 25-07-2023

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 15.03.2023 passed by the Additional Sessions Judge-I,
Bhojpur at Ara in connection with B.P. No. 1048 of 2023 in
Special Children Case No. 09 of 2023 arising out of Ara Nagar
P.S. Case No. 158 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 his release will expose him to moral, physical or psychological danger.

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 needs proper counselling alongwith professional training for leading a good life.

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 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)

utkarsh/-

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CAV DATE	
Uploading Date	27.07.2023
Transmission Date	

