

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2257 of 2023

Arising Out of PS. Case No.-25 Year-2019 Thana- MAHILA P.S. District- Siwan

AWADHESH YADAV @ AWADHESH KUMAR YADAV SON OF
ROOPLAL RAY RESIDENT OF VILLAGE- BAL BANGRA, PS-
DARAUNDA, DISTT- SIWAN, BIHAR

... .. Appellant/s

Versus

1. The State of Bihar
2. LAKSHMI KUMARI DAUGHTER OF BRIJ RAM RESIDENT OF
VILLAGE- BAL BANGRA, PS- DARAUNDA, DISTT- SIWAN , BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prashant Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

6 04-10-2023

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 28.03.2023 passed by Additional Sessions Judge-I-cum-Children Court, Siwan in connection with Siwan Mahila P.S. Case No. 25 of 2019.

3. On bare perusal of provision of Section 12 of the Juvenile Justice (Care and Protection and 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 considering the nature of allegation, stated that the release of the appellant (juvenile) 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 Children Court has not recorded any such evidence in support of its finding. The report of the Probation Officer does not mention anything as contained in proviso to Section 12 of the said Act.

6. The probation report in the impugned judgment mentions that juvenile was under peer group influence and had no criminal history. It has come to light from the villagers that the appellant had normal behaviour and he has been deliberately trapped in the present case.

7. Let the appellant, above named, be enlarged on bail on execution of surety bond by father of the appellant giving undertaking that he shall keep proper care and upkeep of the appellant and shall fully co-operate in the pending enquiry/trial.

(Arvind Srivastava, J)

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