

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2320 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- ROSHANGANJ District- Gaya

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X (MINOR) S/O KISHORI CHAUDHARY R/O Rakshi, P.S- Banke Bazar,
Distt.- Gaya, Through Guardian cum Mother of X (Minor) namely Mina
Devi, W/O- Kishori Chaudhary, R/O- Rakshi, P.S- Banke Bazar, Distt.- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ghanshyam Tiwary

For the Respondent/s : Mr. Bal Mukund Prasad Sinha

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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 to the appellant by order
dated 12.01.2023 passed by the Special Judge (Children Court)
Gaya in connection with Juvenile Trial No. 17 of 2022 arising
out of Roushanganj (Banke Bazar) P.S. Case No. 140 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.

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 and vocational training to be a good citizen and it seems appropriate to give him the benefit of Juvenile Justice (Care and Protection of Children) Act.

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 12.01.2023 passed by the learned Special Judge, (Children Court), Gaya in Juvenile Trial No. 17 of 2022 arising out of Roushanganj (Banke Bazar) P.S. Case No. 140 of 2022 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
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