

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2758 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

SUNNY GUPTA @ SHIVAM KUMAR son of Pramod Gupta Ward NO-7,
Nai Bazar, Ps- Buxar Dist- Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Dharendra Pratap Singh, Adv.
For the Respondent/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 18-08-2023

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 30.05.2023 passed by the Additional Sessions Judge-I, Bhojpur at Ara in connection with B.P. No. 2974 of 2023 in Children Case No. 21 of 2023 arising out of Shahpur P.S. Case No. 415 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 mentions anything as has been recorded by the Children Court. Further the report of the probation officer suggests that the appellant is a student and has passed his matriculation in 2022 with first division. The financial condition of the family of the appellant is good. The appellant needs proper guidance of his elders 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 parents of the appellant giving undertaking that they 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)

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CAV DATE	
Uploading Date	23.08.2023
Transmission Date	

