

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3185 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- MAHILA P.S. District- Purnia

DEEPAK KUMAR SON OF HARI LAL SHARMA ALIAS HARI SHARMA
R/O VILLAGE- MOHANIA BAZAR, P.S.- BANMANKHI, DISTRICT-
PURNEA, THE FATHER OF THE APPELLANT IS THE NATURAL
GUARDIANSHIP NAMELY HARI LAL SHARMA ALIAS HARI
SHARMA AGED ABOUT 52 YEARS MALE SON OF NANKU SHARMA,
R/O VILLAGE- MOHANIA BAZAR, P.S.- BANMANKHI, DISTRICT-
PURNEA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 27-06-2023 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 15.07.2022 passed by Ist Additional Sessions-cum-Special
Judge Purnia in connection with Mahila P.S. Case No.40 of
2021.

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.

The Court below by the impugned order considering the facts, circumstances and gravity of the occurrence rejected the prayer for bail of the appellant. However, it did not mention anything as contained in provision of Section 12 of the Juvenile Justice (Care and Protection and of Children) Act, 2015.

The probation report mentions that the juvenile has no criminal antecedent, he is matriculate and wants to continued his studies. The villagers / neighbours were sympathetic towards the juvenile and they have good relations with the juvenile and his family. The probation report suggests the Board to do the needful in the best interest of the juvenile.

It is further submitted by the learned counsel for the appellant that the in spite of the suggestion of the probation report, it was not considered by the Juvenile Justice Board. It is also submitted that the father of the juvenile undertakes to keep control over the appellant and take care of each and every corner that he does not fall in any bad company.

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 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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