

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 87 of 2025

Arising Out of PS. Case No.-316 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Khushboo Kumari @ Khushbu Kumari, D/o- Sanjay Sah Village- Naraura
PS-Mohaniya District- Kaimur Bhabua, R/o- Naraura Ps- Mohaniya Dist-
Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bijay Bahadur Goswami, S/o- Late Prahlad Goswami Village- Naraura PS-
Mohaniya District- Kaimur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rohit Kumar, Advocate Mr. Manish Kumar No 13, Advocate
For the Respondent/s	:	Mr. Pranav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
CAV JUDGMENT

Date : 08-08-2025

1. The instant revision is directed against an order, passed by the learned Additional District & Sessions Judge, 1st Court-cum-Special Judge, Kaimur at Bhabhua in Cr. Appeal No. 40 of 2024, whereby and whereunder, the learned Judge in the Court of appeal dismissed the appeal and rejected the prayer for bail of the CICL on the ground that the CICL along with others were involved in a case of kidnapping and murder.

2. The incident appears to be a planned murder occurred due to love affairs as a result of grudge and honour



killing. The involvement of the CICAL is prima facie proved on the basis of the confessional statement of one co-accused Jyoti Kumari. She took active part in committing murder of the deceased and, therefore, her prayer for bail was rejected.

3. It is not in dispute that the CICAL was aged about 15 years, 11 months and 20 days on the date of commission of offence. Assessment of age was made by the Juvenile Justice Board, Kaimur, on the basis of admission register of the Primary School, where the CICAL was first admitted.

4. There is no dispute with regard to the age of the CICAL. The informant or the prosecution did not challenge her age on the date of commission of offence. Therefore, the finding with regard to the age of the CICAL by the Juvenile Justice Board has become final.

5. It is needless to say that the Juvenile Justice Board and the Children's Court are required to dispose of an application for bail or an appeal arising against the rejection of bail on the principles laid down in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. It is needless to state that Section 12 clearly states that



notwithstanding anything contained in the Code of Criminal Procedure or any other law in force for the time being, a CICL is released on bail subject to the prohibition that he/she shall not be so released, if there appears reasonable grounds for believing that release is likely to bring that person into association with any known criminal or expose he/she to moral, physical or psychological danger or his/her release would defeat the ends of justice.

6. I have already recorded the grounds for dismissal of criminal appeal by the Children's Court and consequent rejection of appeal of the CICL.

7. Appeal of the CICL was not rejected on any of the above grounds contemplated in the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

8. On the contrary, the learned Judge in the Appellate Court held that the CICL was involved in a planned murder and she took active part in committing the offence.

9. Even assuming that the incident was gruesome and the CICL took active part in committing the offence, her



bail cannot be rejected because the provisions of J.J. Act should be administered on the presumption of innocence and best interest of the child.

10. For the reasons stated above, this Court is of the view that both the Courts below committed error in appreciating the case of the petitioner under the backdrop of the object of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the order passed in Cr. Appeal No 40 of 2024, dated 2nd of December, 2014, by the learned Additional Sessions Judge, 1st Court-cum-Special Judge, Kaimur at Bhabhua, is liable to be set aside.

11. As a result, the order passed in Cr. Appeal No 40 of 2024, dated 2nd of December, 2014, by the learned Additional Sessions Judge, 1st Court-cum-Special Judge, Kaimur at Bhabhua, is set aside.

12. Accordingly, the instant revision is allowed, on contest.

13. The petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Sessions Judge, 1st Court-cum-Special Judge, Kaimur at Bhabhua, in connection with Mohania P. S. Case No. 316 of 2024, with further conditions, which are as follows: -

(i) One of the sureties / bailors must be one of the parents or a close relative of the petitioner.

(ii) The father or close relative of the petitioner shall file an affidavit before the learned Additional Sessions Judge, 1st Court-cum-Special Judge, Kaimur at Bhabhua, in connection with Mohania P. S. Case No. 316 of 2024, giving a specific undertaking that after release of the petitioner on bail, she will take proper care of the petitioner and will not allow her to fall into bad company.

(iii) The petitioner shall remain present before the Court and/or the police, as the case may be, as and when required.

(iv) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) It is further directed that, if released on bail, the petitioner shall remain under the care and protection of



her parents and under the supervision of the Probation Officer. The Probation Officer is directed to file a quarterly report before the concerned Court regarding the antecedents. If any adverse report is filed, the order of bail shall be cancelled without any further reference to the Bench.

(Bibek Chaudhuri, J)

skm/-

AFR/NAFR	NAFR
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