

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.133 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- HALSI District- Lakhisarai

Ranjit Kumar, S/o- Mashudhan Ram @ Masudan Ram RO Village- Kemra
PS-Ariary District- Sheikhpura Under guardianship of Mashudhan Ram @
Masudan Ram, M, 62 yrs. , S/O Pareshvar Ram, R/O Village - Kemra, P.S. -
ARIARY, Dist - Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi, W/o- Late Bipin Dadhi Village- Kakrori Ps- Halsi Dist-
Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate
For the Respondent/s : Mr. Dilip Kumar No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 31-07-2025 1. Though the instant application was captioned as

an application under Section 12 of the Juvenile Justice
(Care and Protection) Act, 2015, the same was practically
filed under the provision of Section 102 of the said Act,
praying for bail of CICL, represented by his natural
guardian.

2. Hasli P. S. Case No. 165 of 2024 was registered
on 30th of May, 2024 on the basis of a written complaint by
one Indu Devi, stating, inter alia, that on 29th of May, 2024
at about 06.00 p.m., her husband Bipin Dhari was going to
ease out by the side of the river. The informant went to the



said place after some time. She saw that Munna Dhari, Ghanta Lal Dhari, Sadanand Dhari, Birendra Dhari, Karu @ Subodh Dhari and Brahamdeo Dhari attacked her husband being armed with firearms. They fired at the husband of the informant. Seeing this, the informant raised hue and cry. In order to kill her also, the above-named accused persons opened fire at her but somehow she was escaped. Hearing her hue and cry, local people rushed to the place of occurrence. Then, the accused persons fled away.

3. The CICL was arrested in connection with the aforesaid case on the basis of a statement made by the co-accused. As he was minor, he was produced before the Juvenile Justice Board, Lakhisarai on 30th of October, 2024. The Board assessed his age on the date of commission of offence as 16 years, 10 months and 5 days. Since the CICL was brought under arrest in connection with a case punishable under Section 147/148/149/362/120B of the Indian Penal Code and Section 27 of the Arms Act, 1959, the Board held that the offence was heinous in nature. On such preliminary assessment into the heinous nature of alleged offences under Section 15 of the said Act, the Board



passed an order under Section 18(3) of the said Act to the effect that the CICL needs for trial as an adult. Accordingly, the Board transferred the case to the Children's Court, Lakhisarai and the CICL through his guardian prayed for bail before the Children's Court, which was rejected, vide order, dated 12th of December, 2024, holding, inter alia, that from Social Investigation Report, it appears that if petitioner will be released on bail, there is likelihood that petitioner will go into association of known criminals. The learned Judge in Children's Court further held that the petitioner was involved in committing the offence. He was capable of committing such heinous offence and he needs to be tried as an adult. Therefore, the prayer for bail was rejected on the ground that if he is released on bail, it would defeat the ends of justice.

4. I have heard the learned Advocate for the petitioner as well as the State.

5. Section 15 of the said Act provides that in case of a heinous offence, committed by a child, above the age of 16 years, the Board shall conduct preliminary enquiry with regard to his mental and physical capacity to commit such



offence, ability to understand the consequences of the offence and the circumstances in which he committed the offence. On such satisfaction, the Board may pass an order in accordance with the provisions of sub-clause (3) of Section 18 of the said Act.

6. In the instant case, the Board did not make any enquiry with regard to the mental and physical capacity of the CICL to commit such offence. Practically, the CICL was not named in the F.I.R.. He was arrested on the basis of a statement of a co-accused which is not admissible in evidence. There is no direct material against the CICL.

7. Therefore, the Children's Court's order of rejection of bail suffers from illegality and impropriety.

8. For the reasons stated above, the impugned order, dated 12th of December, 2024, passed by the learned Additional Sessions Judge 1st cum Special Judge, Children Court, Lakhisarai, is set aside.

9. The instant revision is allowed.

10. 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 cum Special Judge, Children Court, Lakhisarai, in Halsi P.S. Case No. 165 of 2024, with further conditions, which are as follow: -

(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 cum Special Judge, Children Court, Lakhisarai, in Halsi P.S. Case No. 165 of 2024, giving a specific undertaking that after release of the petitioner on bail, he will take proper care of the petitioner and will not allow him 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) He 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 his 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/-

U			
---	--	--	--

