

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.189 of 2025

Arising Out of PS. Case No.-143 Year-2024 Thana- JADIA District- Supaul

Om Kumar @ Omprakash Kumar, Son of Dinesh Yadav @ Dinesh Prasad Yadav Resident of Village - Jadiya, Ward No.06, P.S. - Jadiya, District- Supaul, under guardianship of Dinesh Yadav @ Diniesh Prasad Yadav, aged about 55 years, Son of Kamleshwari Yadav, Resident of Village - Jadiya, Ward No.06, P.S. - Jadiya, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate
For the Respondent/s	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 08-08-2025 1. The instant revision challenges an order passed by the learned Additional Sessions Judge-1 cum Presiding Officer, Children's Court, Supaul on 24th of January, 2025, in Cr. Appeal No. 23 of 2024, whereby and whereunder, the order of rejection of bail passed by the Juvenile Justice Board, Supaul was affirmed and the appeal was dismissed.

2. It is not in dispute that the CICL is named in the F.I.R. Offence committed by the CICL falls under the definition of heinous offence within the meaning of



Section 2(33) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter described as “the said Act”).

3. During hearing of the instant revision, the learned Advocate for the CICL has submitted a written argument.

4. I have perused the written argument. I have also considered the objection raised by the learned Advocate appearing on behalf of the State.

5. It is not in dispute that the Juvenile Justice Board made enquiry into the age of the CICL and found that on the date of commission of offence, the CICL was aged about 15 years, 5 months and 3 days.

6. It appears from the F.I.R. filed by one Subodh Yadav that on 13th of August, 2024 at about 04.35 a.m., Chetan Kumar, Pappu Kumar, the CICL, Ashish Kumar and Pradeep Yadav along with four other unknown persons committed murder of the son of the informant, namely, Bhashkar Anand by firing. The informant also



stated in the F.I.R. that he disclosed the names of the accused persons as perpetrator of offence because the above-named accused used to threaten him to kill, for few days before the date of occurrence.

7. On the basis of the said complaint, Jadiya P. S. Case No. 143 of 2024, dated 13th of August, 2024, for the offences punishable under Sections 103(1)/351(3)/3(5) of the BNS and Section 27 of the Arms Act, 1959 was registered against the CICL and other F.I.R. named accused persons.

8. The learned Advocate on behalf of the petitioner has filed a copy of Cr. Misc. No. 21265 of 2025, wherein one of the F.I.R. named accused, Pappu Kumar Himanshu, was released on bail by this Hon'ble Court, *vide* order, dated 20th of June, 2025.

9. The CICL stands on the same footing, nay, even better footing, because both the Juvenile Justice Board and the learned Special Children's Court, Supaul failed to consider that the provisions of the said Act



including the provision of bail is to be decided by the Board and the Children's Court on the general principle of presumption of innocence and best interest of the child. Best interest of the child cannot be sub-serve keeping him in a protective home in association of other children in conflict with law.

10. Therefore, this Court is inclined to release the petitioner on bail.

11. The instant revision is, thus, allowed, on contest.

12. The order, passed by the learned Special Judge, Children's Court, Supaul, on 24th of January, 2025, in Cr. Appeal No. 23 of 2024, is set aside.

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-1 cum Presiding Officer, Children's Court, Supaul, in connection with Jadiya P. S. Case No. 143 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-1 cum Presiding Officer, Children's Court, Supaul, in connection with Jadiya P. S. Case No. 143 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)

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