

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.219 of 2025

Arising Out of PS. Case No.-150 Year-2024 Thana- AMNAUR District- Saran

Mahi Singh @ Yuwaraj Ranjan Son of Shashi Singh @ Rajeev Pratap Singh
Resident of village- Amnour, P.S.- Amnour, Distt.- Saran (Under the
Guardianship of father of petitioner) namely Rajeev Pratap Singh,(45 years),
S/O Bhola Singh. Resident of village- Amnour, P.S.- Amnour, Distt.- Saran
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Singh Son of Madhusudan Singh Resident of Village-
Parshurampur, P.s.- Amnour, Distt.- Saran
... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms.Mili Kumari
For the State	:	Mr.Tapeshwar Sharma
For Opposite Party No. 2:	:	Mr. Suman Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-06-2025 Heard learned Counsel for the petitioner, learned
Counsel for the informant/Opposite Party No. 2 and learned
Additional Public Prosecutor appearing for the State.

2. This revision application has been filed against the
judgment and order, dated 20.01.2025, passed by learned 1st
Additional Sessions Judge -cum- Children Court, Saran, at
Chapra, in Criminal (Juvenile) Appeal No. 14 of 2024, by which
the bail application of the petitioner has been rejected. By
impugned order, the learned 1st Additional Sessions Judge -cum-
Children Court, Saran, has affirmed the order, dated 24.10.2024,
passed by the Juvenile Justice Board, Saran, at Chapra, in
Juvenile Enquiry No. 883 of 2024, arising out of Amnour



Police Station Case No. 150 of 2024, registered for the offences punishable under Sections 363/365/302/201/120-B/34 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that on 16.05.2024, in the night, at about 9:30 pm, informant's son, Alok Kumar, and his friend Rishav Kapoor, came at the shop of the informant, took a bottle of cold drink, and went on a motorcycle, but till late night, the informant's son did not return. During search, the informant went to the house of the co-accused Rishav Kapoor and asked about his son's whereabouts, upon which he told that he had dropped the deceased on way and he does not know anything about his whereabouts. During investigation, the dead body of informant's son was found buried in an orchard.

4. Learned Counsel for the petitioner submits that the name of the petitioner transpired in course of investigation in the confessional statement of co-accused Rishav Kapoor that the petitioner along with co-accused Abhay Tiwari strangled the informant's son (deceased) with the help of towel, due to which he died. He further submits that the petitioner was declared juvenile by the learned Juvenile Justice Board, Saran, at Chapra, after coming to the conclusion that the petitioner was minor at



the time of alleged occurrence. He next submits that by the impugned order, the learned 1st Additional Sessions Judge -cum- Children Court, Saran, has rejected the prayer of the petitioner for bail on erroneous conclusion that there is a possibility that the petitioner will again come in contact with the same friends circle, if released on bail and grant of bail to the petitioner may cause moral, physical and psychological danger to him. He next submits that learned 1st Additional Sessions Judge -cum- Children Court, Saran, did not consider the social investigation report in correct legal perspective. He further submits that the petitioner is not named in the First Information Report and his name has transpired in this case on the basis of confessional statement of co-accused person and the petitioner is in remand home since 02.09.2024.

5. Learned Counsel relies upon Section 3 (i), (iv), (v) and (xiv) of the Juvenile Justice (Care and Protection of Children) Act, 2015, (hereinafter referred to as “the Act”), which are quoted herein below:-

“(i) Principle of presumption of innocence:- Any child shall be presumed to be an innocent of any mala fide or criminal intent up to the age of eighteen years.

(iv) Principle of best interest:-



All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.

(v) **Principle of family responsibility:-** The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

(xiv) **Principle of fresh start:-** All past records of any child under the Juvenile Justice system should be erased except in special circumstances”

6. Learned Counsel, referring to above mentioned provisions of law, submits that as per the scheme of the Act there is presumption of innocence of a child in conflict with law and all decisions regarding the child shall be taken in consonance with the principle of the best interest of the child. He further submits that the principle of family responsibility and principle of fresh start have also been recognized under the Act.

7. In reference to Section 12 of the Act, learned Counsel for the petitioner submits that bail to a child in conflict with law is a rule and denial is exception.

8. Learned Counsel, in the aforesaid background,



submits that the learned 1st Additional Sessions Judge -cum- Children Court, Saran, has failed to consider the scheme of the Act and has committed irregularity in arriving at the conclusion that the petitioner will again come in contact with the same criminal circle, if released on bail.

9. Learned Counsel further submits that the father of the petitioner is ready to take proper care of the petitioner after release on bail and shall not allow him to fall into bad company and would try to bring change in his behaviour, if required.

10. On the other hand, learned Additional Public Prosecutor submits that from perusal of Section 12 of the Act, it appears that bail is a matter of right to a child in conflict with law and denial is exception and in view of the fact that father has given an undertaking to reform her child, i.e. the petitioner, this Court may consider to pass appropriate order in the best interest of the child in conflict with law.

11. A Bench of this Court, in ***Lalu Kumar @ Lalbabu @ Lallu v State of Bihar***, reported in ***2019 (4) PLJR 833***, while interpreting Section 12 of the Act, has laid down the principle that the Board while considering bail of a Juvenile is duty bound to follow the principle of 'best interest', 'repatriation' and 'restoration' of child. The gravity and nature



of offence are immaterial for consideration of bail of a juvenile. As per Section 12 of the Act of 2015, an application for bail is not decided by reference to classification of offences as bailable or non-bailable under the Code of Criminal Procedure, 1973.

12. Having regard to the submissions made by the parties and on perusal of the impugned order, I am of the considered opinion that there is possibility of reform in the petitioner inasmuch and the father of the petitioner is ready to take proper care of the petitioner after his release on bail, as such there is no likelihood that the petitioner will fall into association with any known criminal(s). Accordingly, the conclusion arrived at by learned 1st Additional Sessions Judge -cum- Children Court, Saran, is not sustainable in the facts and circumstances of the case.

13. Accordingly, this revision application is allowed and the order, dated 20.01.2025, passed by learned 1st Additional Sessions Judge -cum- Children Court, Saran, in Criminal (Juvenile) Appeal No. 14 of 2024, as well as order, dated 24.10.2024, passed by the Juvenile Justice Board, Saran, at Chapra, in Juvenile Enquiry No. 883 of 2024, arising out of Amnour Police Station Case No. 150 of 2024, are hereby set aside.



14. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Saran, at Chapra, in Juvenile Enquiry No. 883 of 2024, arising out of Amnour Police Station Case No. 150 of 2024, subject to the following conditions:-

(i) that one of the bailors shall be the father of the petitioner;

(ii) that the father of the petitioner shall file an affidavit before the learned Juvenile Justice Board, Saran, at Chapra, giving 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

