

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.592 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- JALALGARH District- Purnia

Md. Arshad @ Arshad Ali @ Md. Arshad Ali S/O Masruddin R/O Village-
Ramnagar, Ps. Amour, Dist. Purnia, Under The Guardianship Of His Father
Masruddin Aged About 49 Years (Male), S/O Mohram, R/O Village-
Ramnagar, Ps. Amour, Dist. Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nagma Khatoon W/O Md. Kasim R/O Village- Khunkhuni, Ps.
Jalalgarh, Dist. Purnia

... .. Respondent/s

with

CRIMINAL REVISION No. 808 of 2023

Arising Out of PS. Case No.-1031 Year-2022 Thana- BIHTA District- Patna

Rahul Kumar Son of Surendra Roy @ Surendra Yadav R/o vill - Chakmunjay,
P.S. - Bihta, Distt. - Patna, Under Guardianship of his Father Surendra Roy @
Surendra Yadav Aged about 59 Years, S/o Late Komal Roy, R/o vill -
Chakmunjay, P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

with

CRIMINAL REVISION No. 40 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- NAANPUR District- Sitamarhi

Mohammad Aman @ Amanat Ansari Son Of Md. Afjal Ansari Resident Of
Village - Nanpur, P.S. - Nanpur, District - Sitamarhi. Under Guardianship Of
Md. Afzal Ansari @ Md. Afzal, Son Of Late Jahangir, Resident Of Village -
Nanpur, P.S. - Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Fazilat Bano Wife Of Hasan Resident Of Village - Nanpur, P.S. - Nanpur,
District - Sitamarhi

... .. Respondent/s



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with
CRIMINAL REVISION No. 107 of 2024

Arising Out of PS. Case No.-26 Year-2022 Thana- D.R.I District- Patna

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Manik Chand Kumar S/O Kusheshwar Yadav Resident Of Dayalchak, Ps.- N.T.P.C. Barh, Distt.- Patna,Though His Father And Legal Guardian Kusheshwar Yadav (Male) Aged About 59 Years S/O Hariyadav, Resident Of Dayalchak, Ps.- N.T.P.C. Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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with
CRIMINAL REVISION No. 160 of 2024

Arising Out of PS. Case No.-796 Year-2023 Thana- BHAGALPUR KOTWALI District- Bhagalpur

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Abhishek kumar @ alex s/o dablu choudhary r/o village- dimha, p.s- gopalpur (naugachhia), distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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with
CRIMINAL REVISION No. 161 of 2024

Arising Out of PS. Case No.-378 Year-2023 Thana- DUMRA District- Sitamarhi

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Muskan Kumar @ Roshan Kumar S/o Fekan Ram R/o vill - Azamgardh, Lagma, ward no. 05, P.S. - Dumra, Distt. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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with
CRIMINAL REVISION No. 219 of 2024

Arising Out of PS. Case No.-436 Year-2022 Thana- NARPATGANJ District- Araria

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Suman Kumar Yadav @ Suman Kr. Yadav @ Suman Yadav S/o Umesh Yadav
R/o vill - Fatehpur, P.s. - Narpatganj, Distt. - Araria, Under guardianship of
his maternal uncle namely Tarni Yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with
CRIMINAL REVISION No. 268 of 2024

Arising Out of PS. Case No.-438 Year-2022 Thana- BARAUNI District- Begusarai

Ashish Kumar @ Prem @ Ashish @ Prem Kumar Son of Arvind Pathak @
Arbind Pathak @ Arvvind Pathak Resident of Village- Sabaura, Ward No. 12,
P.S. Barauni, (Barauni Refinery O.P.), District- Begusarai. Through his father
as a guardian namely Arvind Pathak @ Arbind Pathak @ Arvvind Pathak
male aged about 51 years, Son of Shiv Kumar Pathak, Resident of Village-
Sabaura, Ward No. 12, P.S.- Barauni, (Barauni Refinery O.P.), District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

with
CRIMINAL REVISION No. 278 of 2024

Arising Out of PS. Case No.-66 Year-2023 Thana- MAHILA PS District- Gaya

Vikram @ Vikram Kumar S/O Subhash Chaudhary R/O Village- Bala Bigaha,
P.S- Panchanpur (O.P.- Tikari), Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalsa Kumari D/O Vinay Chaudhary R/O Village- Bala Bigaha, P.S-
Panchanpur (O.P.- Tikari), Distt.- Gaya.

... .. Respondent/s

with
CRIMINAL REVISION No. 300 of 2024

Arising Out of PS. Case No.-72 Year-2022 Thana- KOPA District- Saran



Sahil Sharma @ Sahil Kumar son of Nitendra Sharma @ Nital Sharma
Village- Bhatwalia Ps- Kopa Dist- Saran P/A- Bhatwalia Ps- Kopa Dist-
Saran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Anita Devi wife of Shyam Babu Sharma Village- Bhatwalia Ps- Kopa Dist-
Saran at Chapra

... .. Respondent/s

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with

CRIMINAL REVISION No. 302 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- MASAUDHI District- Patna

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Shivam Sharma @ Shivam Kumar Son Of Rampratap Sharma Through His
Mother Natural Guardian Nilam Devi Resident Of Village- Okari Chanhariya,
Ps- Ghoshi, Dist- Jehanabad At P/A- Abdullah Nagar, Targana Dih, Ward No.
24, Ps- Masaurhi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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with

CRIMINAL REVISION No. 310 of 2024

Arising Out of PS. Case No.-455 Year-2021 Thana- SIWAN CITY District- Siwan

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Chhotu @ Mainuddin @ Mainuddin Ali Son of Late Md. Serajuddin Resident
of Village- Budurti Hata, Police Station- Siwan Muffasil, District- Siwan,
under the Guardianship of his uncle namely Md. Taslim, @ Mohmmad
Tasleim

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Respondent/s

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with

CRIMINAL REVISION No. 332 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- TEYAR District- Bhojpur

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Nitish Kumar (CICPL) Son of Vir Bahadur Yadav under the legal guardian-
ship of his father, R/o Village- Tiyar, P.O.- Tiyar, P.S.- Tiyar, Dist.- Bhojpur



... .. Petitioner/s
Versus
The State of Bihar Patna
... .. Respondent/s

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with
CRIMINAL REVISION No. 346 of 2024
Arising Out of PS. Case No.-431 Year-2022 Thana- MOTIHARI TOWN District- East Champaran

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Md. Sameer Son of Raju Miya @ Jamil Ahmad Resident of Village- Miscot, P.S- Motihari Town, Dist- East Champaran through his Mother/Guardian -Jarina Khatun age- 45, Wife of Raju Miya @ Jamil Ahmad Resident of Village- Miscot , P.S- Town Motihari, Dist- East Champaran

... .. Petitioner/s
Versus
The State Of Bihar Patna
... .. Respondent/s

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with
CRIMINAL REVISION No. 348 of 2024
Arising Out of PS. Case No.-39 Year-2023 Thana- MAHILA PS District- Aurangabad

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SUBHAM KUMAR @ KALUA SON OF SHREE RAMJEE SINGHE
RESIDENT OF VILLAGE - BHARWAR, P.S. - MUFASSIL, DISTRICT - AURANGABAD

- Petitioner/s
Versus
1. THE STATE OF BIHAR BIHAR
 2. SUNITA DEVI RESIDENT OF VILLAGE - BHARWAR, P.S. - MUFASSIL, DISTRICT - AURANGABAD

... .. Respondent/s

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with
CRIMINAL REVISION No. 395 of 2024

Arising Out of PS. Case No.-728 Year-2023 Thana- MANER District- Patna

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Golu Kumar S/o Raj Kumar @ Raj Kumar Ray R/o vill - Dautpur, P.S. - Sahpur, Distt. - Patna, under guardianship of father Raj Kumar @ Raj Kumar Ray, s/o Dayanand Ray, R/o vill- Daudpur Bagicha, ward no. 2, P.s. - Sahpur, Distt. - Patna

... .. Petitioner/s



Versus

- 1. The State of Bihar Bihar
- 2. Sarita Kumari W/o Mantu Rai R/o vill - Shahpur, Thakurbari, P.S. - Shahpur, Distt. - Patna

... .. Respondent/s

with
CRIMINAL REVISION No. 402 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- PUNAURA District- Sitamarhi

Purushottam Kumar Son of Umesh Kumar @ Umesh Rai R/O GOPNATHPUR, P.S.- DUMRA, Dist.- SITAMARHI. PURSHOTTAM KUMAR IS UNDER GUARDIANSHIP OF RAMNANDAN RAY, AGED ABOUT 55 YEARS, MALE, S/O LATE MAHENDRA RAY WHO IS THE GRAND-FATHER OF THE PETITIONER.

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Respondent/s

with
CRIMINAL REVISION No. 423 of 2024

Arising Out of PS. Case No.- Year-0 Thana- District- Nawada

Md. Sahid Jamal Mallik son of Late Jamal Mallik R/o- B- 607 Milouni CHC limited, Near Fire Station Flat No-109, Sec-27, Nerula Navi Mumbai Mumbai

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. Rokhsar Khatoon wife of Md. Sahid Jamal Mallik R/o- B- 607 Milouni CHC limited, Near Fire Station Flat No-109, Sec-27, Nerula Navi Mumbai Mumbai, P/A- Ajmat Nagar Ps- Bundhelkhand Po- Nawada Dist- Nawada

... .. Respondent/s

with
CRIMINAL REVISION No. 426 of 2024

Arising Out of PS. Case No.-29 Year-2022 Thana- MAHILA PS District- Aurangabad

SUMIT KUMAR CHAUDHARY SON OF SANJAY CHAUDHARI RESIDENT OF VILLAGE - BALUGANJ, P.S. - DIBRA, DISTRICT - AURANGABAD UNDER THE GUARDIANSHIP OF HIS FATHER SANJAY CHAUDHARY, AGED ABOUT 43 YEARS, SON OF



RAMCHANDRA CHAUDHARI, RESIDENT OF VILLAGE - BALUGANJ,
P.S. - DIBRA, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

with

CRIMINAL REVISION No. 500 of 2024

Arising Out of PS. Case No.-332 Year-2023 Thana- PIPRA District- East Champaran

PRINCE KUMAR S/O BASHISHT CHAUBEY R/O VILLAGE- SIRSIYA,
P.S- PIPRA, DISTT.- EAST CHAMPARAN, MOTIHARI THROUGH
NATURAL GUARDIAN OF PETITIONER NAMELY SHALI DEVI, WHO
IS MOTHER OF THE PETITIONER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

with

CRIMINAL REVISION No. 518 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- BELSAND District- Sitamarhi

Ankit Kumar Son of Bashudev Das @ Vasdev Das Resident of Marar, Ward
No. 2, P.S.- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anita Devi Wife of Hirday Sah Resident of Marar, Ward No. 2, P.S.-
Belsand, District- Sitamarhi.

... .. Respondent/s

with

CRIMINAL REVISION No. 535 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- PIRPAINTI District- Bhagalpur

NAYAN KUMAR @ NAYAN KUMAR SINGH @ NK @ NKS S/O
BASUKI SINGH R/O VILLAGE- PIRPAINTI, P.S- BAKHARPUR, DISTT.-
BHAGALPUR UNDER GUARDIANSHIP OF HIS FATHER NAMELY
BASUKI SINGH S/O LATE BALDEV SINGH, R/O VILLAGE-
PIRPAINTI, P.S- BAKHARPUR, DISTT.- BHAGALPUR.



... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR BIHAR
- 2. GAURAV KUMAR, POLICE SUB INSPECTOR PRESENTLY POSTED AT O.P- BAKHARPUR, DISTT.- BHAGALPUR AS O.P I/C BHAGALPUR.

... .. Respondent/s

with
CRIMINAL REVISION No. 560 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- DELHA District- Gaya

Shubham Kumar S/o Shambhu Yadav R/o vill - English, P.S. - Chandauti, Distt. - Gaya

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. Naresh Prasad S/o Kishun Mahato R/o Kujapi, P.S. - Chandauti, Distt. - Gaya

... .. Respondent/s

with
CRIMINAL REVISION No. 582 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- OBRA District- Aurangabad

PRINCE KUMAR @ GOLU SON OF ANUJ SINGH RESIDENT OF VILLAGE - UKURHMI, P.S. - OBRA, DISTRICT - AURANGABAD (BIHAR), UNDER GUARDIANSHIP OF HIS GRANDFATHER NAMELY RAMADHAR SINGH, SON OF FIRANGI SINGH, RESIDENT OF VILLAGE - UKURHMI, P.S. - OBRA, DISTRICT - AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR BIHAR
- 2. SHRI RAM SINGH SON OF SHRI JAGAN SINGH RESIDENT OF VILLAGE - UKURHMI, P.S. - OBRA, DISTRICT - AURANGABAD (BIHAR)

... .. Respondent/s

with
CRIMINAL REVISION No. 585 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- SULTANGANJ District- Bhagalpur



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Chotu Kumar S/O Shiv Tanti @ Shiv Nandan Tanti Under the guardianship of his father namely Shiv Tanti @ Shiv Nandan Tanti, R/O Village-Ghat Road Tanti Tola,P.S.-Sultanganj, Distt-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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with

CRIMINAL REVISION No. 650 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

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Mudassir Alam (Child in conflict with law) Son of Md. Akhtar @ Akhtar Alam Resident of Bhagal, P.S. - Kochadhaman, District Kishanganj. Under guardianship of his mother Mohasina Khatoon @ Mohsina Begum, aged about 45 years, female, wife of Md. Akhtar @ Akhtar Alam, Resident of Bhagal, P.S. - Kochadhaman, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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with

CRIMINAL REVISION No. 806 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- BIRUPUR District- Lakhisarai

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Bangali Kumar @ Raish @ Bangali @ Raahish Kumar Son of Ram Ekbal Mahto R/O-Village- Kamarpur, P.S.- Birpur, District- Lakhisarai under the guardianship of his father namely Ram Ekbal Mahto, R/O village - Kamarpur, P.S. - Birupur, Dist- lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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with

CRIMINAL REVISION No. 847 of 2024

Arising Out of PS. Case No.-1571 Year-2023 Thana- DANAPUR District- Patna

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Samarjeet Kumar @ Sam Son of Sri Balram Paswan Through Natural Guardianship of his Father Balram Paswan Village- Bhagwanpur Prabhat Nagar PS- Muzaffarpur Dist -Muzaffarpur



... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :
(In CRIMINAL REVISION No. 592 of 2023)
For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Respondent/s : Mr. Aditya Narayan Singh-1, APP
For the Informant : Md. Fazle Karim, AC to SC-1
(In CRIMINAL REVISION No. 808 of 2023)
For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the Respondent/s : Mr. Umesh Lal Verma, APP
(In CRIMINAL REVISION No. 40 of 2024)
For the Petitioner/s : Mr. Dinesh Jha, Advocate
For the Respondent/s : Mr.Lalan Kumar, APP
(In CRIMINAL REVISION No. 107 of 2024)
For the Petitioner/s : Mr.Anuj Kumar
For the Respondent/s : Mr.Bharat Bhushan
(In CRIMINAL REVISION No. 160 of 2024)
For the Petitioner/s : Mr.Ankit Raj
For the Respondent/s : Mr.Pranav Kumar
(In CRIMINAL REVISION No. 161 of 2024)
For the Petitioner/s : Mr.Deovind Kumar Singh
For the Respondent/s : Mr.Satyendra Narayan Singh
(In CRIMINAL REVISION No. 219 of 2024)
For the Petitioner/s : Mr.Kundan Kumar Singh
For the Respondent/s : Mr.Narendra Kumar Singh
(In CRIMINAL REVISION No. 268 of 2024)
For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr.Damodar Prasad Tiwary
(In CRIMINAL REVISION No. 278 of 2024)
For the Petitioner/s : Mr.Raju Kumar
For the Respondent/s : Mr.Binod Kumar
(In CRIMINAL REVISION No. 300 of 2024)
For the Petitioner/s : Mr.Vipin Kumar Singh
For the Respondent/s : Mr.Rajendra Nath Jha
(In CRIMINAL REVISION No. 302 of 2024)
For the Petitioner/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Anil Kumar
(In CRIMINAL REVISION No. 310 of 2024)
For the Petitioner/s : Mr.Javed Aslam
For the Respondent/s : Mr.Ajit Kumar
(In CRIMINAL REVISION No. 332 of 2024)
For the Petitioner/s : Mr.Awadhesh Kumar Mishra
For the Respondent/s : Mr.Sanjay Kumar Tiwary
(In CRIMINAL REVISION No. 346 of 2024)
For the Petitioner/s : Mr.Abhishek Kumar
For the Respondent/s : Mr.Shantanu Kumar
(In CRIMINAL REVISION No. 348 of 2024)
For the Petitioner/s : Mr.Anuj Kumar
For the Respondent/s : Mr.Sadanand Paswan
(In CRIMINAL REVISION No. 395 of 2024)
For the Petitioner/s : Mr.Sanjay Kumar



For the Respondent/s : Mr.Shantanu Kumar
(In CRIMINAL REVISION No. 402 of 2024)
For the Petitioner/s : Mr.Ajay Kumar Singh No. I
For the Respondent/s : Mr.Raj Ballabh Singh
(In CRIMINAL REVISION No. 423 of 2024)
For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Respondent/s : Mr.Nand Kishore Prasad
(In CRIMINAL REVISION No. 426 of 2024)
For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Respondent/s : Mr.Ramesh Chandra
(In CRIMINAL REVISION No. 500 of 2024)
For the Petitioner/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Arun Kumar Singh
(In CRIMINAL REVISION No. 518 of 2024)
For the Petitioner/s : Mr.Amrendra Kumar
For the Respondent/s : Mr.Pawan Kumar Chaurasia
(In CRIMINAL REVISION No. 535 of 2024)
For the Petitioner/s : Mr.Shivendra Prasad
For the Respondent/s : Mr.Binay Krishna
(In CRIMINAL REVISION No. 560 of 2024)
For the Petitioner/s : Mr.Amit Kumar Singh
For the Respondent/s : Mr.Surendra Kumar
(In CRIMINAL REVISION No. 582 of 2024)
For the Petitioner/s : Mr.Aman Vishal
For the Respondent/s : Mr.Tarun Prasad Mandal
(In CRIMINAL REVISION No. 585 of 2024)
For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Vinod Shanker Modi
(In CRIMINAL REVISION No. 650 of 2024)
For the Petitioner/s : Mr.Raghwendra Pratap Singh
For the Respondent/s : Mr.Anita Kumari
(In CRIMINAL REVISION No. 806 of 2024)
For the Petitioner/s : Mr.Chandan Kumar Verma
For the Respondent/s : Mr.Md. Aslam Ansari
(In CRIMINAL REVISION No. 847 of 2024)
For the Petitioner/s : Mr.Sunil Kumar Pathak
For the Respondent/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT

Date : 27-01-2025

These batches of writ petitions involve identical questions of fact and law therefore, the aforesaid writ petitions are decided by a common judgment. In all the writ petitions the petitioner on the date of commission of the offense was a juvenile in conflict with the law after their arrest they prayed for



bail before the Juvenile Justice Board, and the prayer for bail was rejected the petitioner preferred to appeal before the Learned Special Judge, Children's court in their respective jurisdiction. By impugned orders, and appeal being dismissed the petitioners have preferred the above-mentioned writ petitions.

2. In criminal revision no. 592/2023, the CICL has been in remand home since 11.10.2023 in connection with P.S. Case No. 160/2022 dated 05.09.2022 registered under sections 147, 148, 323, 376, 313, 379, 504, 506 IPC and Section 4 and 6 of the POSCO Act for committing the offence of rape upon a minor continuously for 3 years upon the girl aged about 14 years. After the F.I.R. was lodged against the petitioner, the petitioner claimed his plea of juvenility. After proper inquiry, the petitioner was held to be juvenile vide order dated 15/03/2023 by the Juvenile Justice Board, Purnia as the date of birth of the petitioner as per his educational certificate and Aadhar Card is 01/01/2005 and as such on the alleged date of occurrence age of the petitioner was assessed by the Board between 16 to 18 years.

3. In criminal revision no. 808/2023, the CICL has been in custody since 10th Oct 2022 in connection with Bihta case no. 1031 of 2022 registered under sections 376(D)/ 379/34



of the IPC. It is ascertained from the facts mentioned in the petition that the petitioner was not mentioned in the FIR and he was arrested in connection with the above-mentioned case based on a statement made by the co-accused under section 164 of Crpc. The petitioner was also not produced in the TI Parade for identification. He has been in custody since 10th October 2022. In criminal revision no. 40/ 2024, the Petitioner was arrested in connection with Nanpur case number 88/2023 under Section 376(a)(b)/ 354 IPC and Section 4/6 of the POCSO Act for committing the offence of rape upon a minor aged about 4 years. The petitioner was not named in the FIR. On the date of commission of the alleged offence, he was aged about 13 years and a few months. It is alleged that the Petitioner was unlawfully implicated in the aforesaid case.

4. In Criminal Revision No. 107/2024, the Petitioner was arrested in connection with DRI/LZU/PRU/ 718(ii)/ENQ-26/2022 under Section 20(b)(ii)(c), 25,29 of NDPS Act for transporting certain packets of Ganja in a truck. On the date of commission of the alleged offence, he was aged about 16 years and a few months. It is alleged that the Petitioner was falsely implicated in the aforesaid case.

5. In Criminal Revision No. 160/2024, the Petitioner



was arrested in connection with Kolwari (jogsar) P.S. Case No. 796 of 2023 registered under Section 376D/120B/34 of IPC and Section 4/6 of the POCSO Act for committing the offence of rape upon a minor aged 15 years. On the date of commission of the alleged offence, he was aged about 17 years 8 months, and a few days. He has been in custody since 28.08.2023.

6. In Criminal Revision No. 219/2024, the Petitioner was arrested in connection with Narpatganj P.S. Case No. 436/2023 under Section 302 and 34 IPC for murder. On the date of commission of the alleged offence, he was aged about 15 years and a few months. He has been in custody since 03.05.2023.

7. In Criminal Revision No. 268/2024, the Petitioner was arrested in connection with Barauni P.S. Case No. 438 of 2022 dated 14.09.2022 under Sections 120(B), 307, 34 of IPC and also under Section 27 of the Arms Act along with Section 25(1-b)a, 26, 35 of the Arms Act for firing incessantly in an open area. The Petitioner has an antecedent in 10 cases. On the date of commission of the alleged offence, he was aged about 17 years and a few months. The petitioner was not named in the FIR. It is alleged that the Petitioner was unlawfully implicated in the aforesaid case. The petitioner has been in custody since



15.10.2022.

8. In Criminal Revision No. 278/2024, the Petitioner was arrested in connection with Gaya(Mahila) P.S. Case No. 66/2023 dated 25.08.2023 under Sections 376 and 376(3) of IPC along with Sections 4 and 6 of the POCSO Act for commission of rape upon a 13-year-old minor. The Petition was filed before the Juvenile Justice Board, Gaya to declare the Petitioner as Juvenile and was consequently declared as a minor by the Board. It is alleged that the Petitioner was unlawfully implicated in the aforesaid case.

9. In Criminal Revision No. 302/2024, the Petitioner was arrested in connection with Masaurhi P.S. Case No. 281/2023 for the offence under Section 302, 506/34 of the IPC for murder. On the date of the commission of the alleged offence, the Petitioner was 15 years and 10 months. It is alleged that the entire prosecution case is based on doubt and the revisionist is falsely implicated in the present case on mere suspicion only. The Petitioner has been in custody since 06.05.2023.

10. In Criminal Revision No. 332/2024, the Petitioner was arrested in connection with Tiyyar P.S. Case No. 24/2023 for the offence under sections 342,324,326,323,307,34, 302,376 of



IPC along with Section 4,6,8 of POSCO Act for committing rape upon the minor girl aged 12 years. The petitioner has been in remand home since 09.04.2023 and his name is not mentioned in the FIR.

11. In Criminal Revision No. 346/2024, the Petitioner was arrested in connection with Motihari Town P.S. Case No. 431 of 2022 dated 24.06.2022 registered under Section 341,324,34 of IPC causing grievous hurt. The petitioner was declared CICL of 13 years and a few months on 24.06.2022 by the Juvenile Justice Board. In the FIR, the petitioner is alleged to be an eyewitness to the incident.

12. In Criminal Revision No. 348/2024, the Petitioner was arrested in connection with Mahila P.S. Case No. 39/2023 for the offence under section 506/376(D) of IPC and Section 06/14 of POCSO and Section 3(1)(r)(s)/(w)(1)(11)/3(2)(v) of SC and ST Act for rape of a minor of 17 years. Petitioner was declared Juvenile by the JJ Board and was of 13 years and 9 months and few days on the date of occurrence. The petitioner has been in custody since 07.12.2023.

13. In Criminal Revision No. 395/2024, the Petitioner was arrested in connection with Maner P.S. Case No. 728/23, under section 376(D)/120(B) of the IPC for rape of a woman



aged about 25 years. On the date of commission of the alleged offence, he was aged about 16 years and a few months as declared by the JJ Board. The petitioner has been in custody since 08.10.2023.

14. In Criminal Revision No. 402/2024, the Petitioner was arrested in connection with Punaura P.S. Case No. 258/2023 for the offence under Sections 302,120(B)/34 IPC for murder. The petitioner alleges that it is a vague allegation made against him on the basis of mere suspicion only. The petitioner was 17 years and 6 months on the day of occurrence. The petitioner has been in custody since 23.11.2023.

15. In Criminal Revision No. 426/2024, the Petitioner was arrested in connection with Mahila P.S. Case No. 29/2022 for the offence under Section 376(A)(B) IPC and Section 4 of POCSO Act for rape of a minor aged 5 years. The petitioner was 14 years and 3 months on the day of occurrence. The petitioner submits that all the witnesses including the informant of this case have not stated anything regarding the commission of rape by the petitioner with the daughter of the informant. The Petitioner has been in custody since 12.08.2022.

16. In Criminal Revision No. 500/2024, the Petitioner was arrested in connection with Pipra P.S. Case No. 332 of 2023



for the offence under section 341,323,376AB and 4/6 POCSO Act for rape of a minor aged 12 years. The petitioner was between 16 to 18 years old on the day of occurrence as declared by the JJ Board. It is alleged that the Petitioner was unlawfully implicated in the aforesaid case. The petitioner has been in observation home since 25.10.2023.

17. In Criminal Revision No. 518/2024, the Petitioner was arrested in connection with Belsand P.S. Case No. 154 of 2023 u/s 376(a)(b) of the Indian Penal Code and Section 3/4 of POCSO Act for rape of a minor. Petitioner has been held juvenile assessing the age to be 16 years 6 months on the day of the occurrence. The petitioner has been in custody since 25.11.2023.

18. In Criminal Revision No. 535/2024, the Petitioner was arrested in connection with Pirpainti (Bakaharpur) P.S. Case No. 196 of 2023 under section 376(DA), 504, 506, 34 of IPC and Section 4,8 of POCSO Act and Section 67(A) of IT Act and Section 3(2)(v), 3(1)(w) of SC/ST Act as well as the order dated 23/01/2024 for commission of rape. It is alleged that the Petitioner has falsely been implicated in the said case. The petitioner was declared to be 15 years and a few months on the day of the occurrence. The petitioner has been in custody since



16.09.2023.

19. In Criminal Revision Case No. 560/2024, the Petitioner was arrested in connection with Delha P.S. Case No. 274/2023 dated 05.11.2023 under Section 364 of IPC. The petitioner was of age 15 years 7 months on the date of the incident.

20. In Criminal Revision Case No. 582/2024, the Petitioner was arrested in connection with Obra P.S. Case No. 59/2024 dated 19.02.2024 instituted for an offense punishable under section 376 DA OF IPC and Section 3/4 of POCSO Act for the commission of rape of a minor aged between 13-15 years. The Petitioner age has been declared aged about 16 years and a few months on the day of the incident. Petitioner alleges that from a perusal of F.I.R. it appears, the informant has alleged that the petitioner and one unknown person have committed rape upon the daughter of informant (victim) on the night of 18.02.2024 and left her unconsciously at the place of occurrence. Except aforesaid, nothing has been alleged against the petitioner and there is no cogent material available against him. The petitioner has been in custody since 20.02.2024.

21. In Criminal Revision Case No. 585/2024, the Petitioner was arrested in connection with Sultanganj P.S. Case



No. 352/2023 registered under Section 25(1-b)a/26/35 of the Arms Act and Section 22 and 29 of NDPS Act. The petitioner alleges that the Petitioner is innocent and has committed no offence and has been falsely dragged in this case due to village politics. Petitioner puts forth that on a bare perusal of the seizure list no compliance of Section 100(2) or 100(8) of the CrPC by the police officials so no case of Arms Act has been made against the Petitioner. The age of the Petitioner has been assessed near to 17 years and some months. The petitioner has been in custody since 04.07.2023.

22. In Criminal Revision Case No. 650/2024, the Petitioner was arrested in connection with Kochadhaman P.S. Case No. 251/2023 for an offence under Section 302 of the Indian Penal Code in the case of murder. The petitioner alleges that there was a delay of two days in filing the FIR and the case against him is a fabricated case. The Petitioner was declared to be 17 years and a few months on the day of the incident. The petitioner was arrested on 29.10.2023.

23. In Criminal Revision Case No. 806/2024, the Petitioner was arrested in connection with Birupur Case No. 06 of 2024, registered for the offense under Section 341,354(B), 307 of the Indian Penal Code along with Section 302 of IPC for



attempt of murder of a minor girl aged 16 years. The Petitioner claims that he has been dragged into this case falsely due to an internal dispute between the families. Petitioner alleges that the deceased girl and the Petitioner were the residents of the same village and some love affair was involved between them and hence the family of the deceased implicated the Petitioner in this case wrongfully. The Petitioner was aged about 17 years and a few months on the date of the incident. The CICL has been in custody since 21.02.2024.

24. In Criminal Revision Case No. 847/2024, the Petitioner was arrested in connection with Danapur P.S. Case No. 1571 of 2023 dated 15.12.2023, registered for the offenses under sections 302/120B/34 IPC and 25(1B) a,26/27/35 of the Arms Act where the Petitioner started firing upon the under-trial prisoner in the parking area of the Court Campus resulting in death of the under-trial prisoner. Petitioner has Criminal Antecedent. The Petitioner was aged about 16 years, 11 months, and a few days on the date of the incident. The Petitioner alleges that he is innocent and committed no offense, nor participated in the alleged offenses rather the Police on mistaken identity caught from the mob and implicated in this case nothing has been recovered or seized from the possession of the Appellant



The CICL is in custody since 15.12.2023.

25. I have carefully perused the records of the above-mentioned writ petitions in all the impugned orders passed by the respective learned Special Judges, Children's Court, the appeals were dismissed on the following grounds:-

(i) the CICLs were involved in committing heinous offence; and

(ii) if the Court holds that the petitioners are entitled to get the benefit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, then the purpose of the Act could be defeated;

(iii) the victims have also equal right to get justice and the parameter of consideration of bail in heinous offence is not the same as that of other non-bailable, cognizable offences;

(iv) the Social Investigation Reports filed by the Probation Officers revealed that the CICLs were grown up in their respective families where their parents failed to control them from mixing up with the ante-social elements and criminals of the locality. There is every chance that if they are released on bail, they will again befriend with criminal minded young man and goons. Parents are natural guardians of the petitioners will not be able to control them and their release is



likely to bring them into the association of the known criminals and they expose them to moral, physical and psychological danger or the persons released would defeat the ends of justice.

In almost all the impugned orders, the Courts of Appeal recorded the proviso of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and rejected the prayer for bail.

26. On factual score this Court must record that the petitioners during the age of minority committed offence of rape of minor girls and even in one case the age of the victim is four years.

27. In respect of other cases, the CICLs are involved in committing offence of murder and offences under the Prevention of Atrocities (Schedule Castes and Schedule Tribes) Act.

28. Chapter-II of the Juvenile Justice (Care and Protection of Children) Act, 2015 laid-down a general principle of Care and Protection of Children. Section 3(i) of the said Act states :-

“3(i) Principles of Presumption of Innocence: Any child shall be presumed to be an innocent of any *malafide* or criminal intent upto the age of 18 years.



3(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.

3(v) Principle of Family Responsibility: The primary responsibility of care, nurture and protection of child shall be that of the biological family or adoptive or first aid parents, as the case may be.

3(xiv) Principle of fresh start: All past records of any child under the Juvenile Justice System should be erased except in special circumstances.

29. This Court is of the view that the provision of Section 12 of the said Act relating to bail shall be taken into consideration, notwithstanding anything contained in the Code of Criminal Procedure, in the touchstone of the principle of presumption of innocence of the child. Thus, granting bail to a CICL is the rule and refusal is an exception.

30. It is submitted by the learned Advocates appearing on behalf of the petitioners that both the Trial Court as well as the Appellate Court failed to consider that the prayer for bail of the CICLs should be considered with a presumption of innocence. There is no criminal antecedents of the petitioners,



there is also no report that the parents or other family members of the petitioners were engaged in criminal activities and there is specific chance of the petitioners that if they are released on bail they would come to the association of non-criminals.

31. It appears to this Court that while refusing the bail of the petitioners in many cases, the learned Principal Judges did not even considered the Social Investigation Report (S.I.R.).

32. This Court has already recorded that an application for bail filed on behalf of the CICL shall be consider with a presumption of innocence of innocence. Section 12(1) of the said Act makes the provision relating to bail to a person who is apparently a child to be a conflict with law. Section 12(1) says:-

“12(1) When any person, who is apparently a child and is alleged to have been committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law, for the time being in force, be released on bail with or without surety or placed under the supervision of a Probation Officer or under the care of any fit person.”



33. The word “shall” in Section 12(1) of the said Act, raises a presumption that Section 12(1) is imperative, but for the proviso. The prima-facie inference may be rebutted on the basis of probe of conditions contained in the proviso to the effect that the release is likely to bring him into association with any known criminal; secondly that the release is likely to expose him to moral, physical or psychological danger; thirdly, that release of juvenile in conflict of law would defeat the ends of justice.

34. In *Lalu Kumar @ Lal Babu @ Lallu Vs. The State of Bihar*, reported in *2019(4) PLJR 833*, this Court while interpreting Section 12 of the said Act has laid down the principle that the Board while considering the 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.

35. Section 12 of the said Act, provides that an application for bail is not decided by reference to classification of offences as bailable or non-bailable under the Cr.P.C.

36. In *Nand Kishore (in JC) Vs. State*, reported in *(2006) 4 RCR (Crl.) 754*, Delhi High Court while considering the first condition of proviso of Section 12 of the said Act,



observed that “as regards the first exception, before it can be invoked to deny bail to a juvenile, there must be a reasonable ground for believing that his release is likely to bring him into association with known criminals. The expression “known criminal” is not without significant when the liberty of a juvenile is sought to be curtailed by employing the exception, the exception must be construed strictly. Therefore, before this exception is invoked, the prosecution must identify the “known criminals” and thereafter the Court must have reasonable grounds to believe that the juvenile, if released, would associate with this “known criminals”. It cannot be generally observed that the release of the juvenile would bring him into association with criminals without identifying the criminal and without returning a prima-facie finding with regard to the nexus between the juvenile and such criminals.

37. Section 13(i)(ii) of the said Act provides that the Probation Officer shall submit a Social Investigation Report within two weeks from when a juvenile is apprehended or brought to the Board containing the information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making an enquiry. The Social Investigation Report (SIR) have



been filed in almost all of the reports it is stated by Probation Officer that if the CICLs are released on bail they may get the chance of mixing with the criminal elements of the locality and this would defeat the ends of justice.

38. A Coordinate Bench of Allahabad High Court in *Juvenile X through his father Vs. State of U.P. and Anr.*, reported in **2021 SCC Online All 1091** succinctly dealt with the requirement to be followed by the Probation Officer while filing Social Investigation Report. Paragraph No.23 of the judgment is very relevant for our purpose and the same is reproduced herein below:-

“23. ‘Form-6’ of The Juvenile Justice (Care and Protection of Children) Model Rules, 2016, contains a detailed proforma of the social investigation report. The report has three parts; the first part requires the Probation Officer to give the data or information regarding the close relatives in the family, delinquency records of the family, social and economic status, ethical code of the family, attitude towards religion, relationship amongst the family members, the relationship with the parents, living conditions etc. Thereafter, the report requires the Probation Officer to provide the child's history regarding his mental condition, physical condition, habits, interests, personality traits, neighbourhood,



neighbours' report, and school, employment, if any, friends, the child being subject to any form of abuse, circumstances of apprehension of the child, mental condition of the child. The most important part of the report is the third part i.e. the result of inquiry where the Probation Officer is required to inform the Board about the emotional factors, physical condition, intelligence, social and economic factors, suggestive cause of the problems, analysis of the case including reasons/contributing factors for the offence, opinion of experts consulted and recommendation regarding rehabilitation by the Probation Officer/Child Welfare Officer. It is incumbent upon the Juvenile Justice Board to take into consideration the social investigation report and make an objective assessment of the reasonable grounds for rejecting the bail application of the juvenile.”

39. The relevant provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 suggest that bail of a juvenile can be denied only in four circumstances, namely, (i) the juveniles released put him in danger from known criminals (ii) the juveniles released could expose them to physical, moral or psychological danger (iii) the juveniles released could defeat the ends of justice (iv) the juvenile has been accused of an



aggravated offence that shocks the conscience of the society.

40. When a juvenile is involved in committing rape of a minor girl and in one case even a girl of four years; when a juvenile commits rape of her minor distant relative and in order to suppress the offence administers medicine for abortion of the minor, when the juveniles do not think twice to open a fire at a victim and commit murder by gun shot injury.

41. When the juvenile is involved for committing offence under the NDPS Act or under the Prevention of Atrocities against Schedule Castes and Schedule Tribes Act, all such specific Act are instance of aggravated offences committed by juvenile, when they were in the border line of their minority and majority. Such aggravated offences shocks the conscience of the society at large.

42. Considering such aspect of the matter, this Court is of the view that in the above-mentioned cases in hand this Court finds that if the victims are released on bail, the ends of justice would be defeat.

43. As a result, this Court is not inclined to altered the impugned orders passed by the respective Special Judges, Childrens Court.

44. The impugned orders are accordingly, affirmed.



Accordingly, the criminal revisions are dismissed on contest,
however, there shall be no order as to cost.

(Bibek Chaudhuri, J)

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Transmission Date	

