

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.383 of 2025

Arising Out of PS. Case No.-240 Year-2022 Thana- SALAKHUA District- Saharsa

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Ranjeet Kumar @ Ranjit Yadav Under Guardianship of her natural Guardian
Mother Rina Devi W/O Subhash Yadav, Resident of Village-Parrahi, Ward
No. 01, P.S.-Simri Bakhtiyarpur (Balwa Hat O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar, Advocate
For the State	:	Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 09-12-2025

Heard learned counsel for the petitioner and
learned APP for the State. However, there is no representation
on behalf of the informant though *vakalatnama* has been filed.

2. The instant criminal revision petition has been
filed for setting aside the order dated 21.01.2025 passed by
learned Additional Sessions Judge 1st -cum- Special Judge,
Children Court, Saharsa in Criminal Appeal No. 17 of 2024 and
the order dated 24.04.2024 passed by learned Principal
Magistrate, Juvenile Justice Board, Saharsa in J.J.B. 31 of 2024,
arising out of Salkhua P.S. Case No. 240 of 2022 registered for
the offences under Section 302/34 of the Indian Penal Code and



Section 27 of the Arms Act, whereby and whereunder both the courts below refused to grant bail to the petitioner.

3. Briefly stated, the facts of the case are that the husband of the informant was shot at by six miscreants, who died in course of his treatment. The petitioner and co-accused Sanjiv Yadav are alleged to have caught hold of the deceased and other co-accused persons fired upon him.

4. Learned counsel for the petitioner submits that the petitioner was declared child in conflict with law vide order dated 29.02.2024 by the learned Juvenile Justice Board, Saharsa and his age was assessed to be 17 years 7 months and 7 days on the alleged date of occurrence. Learned counsel further submits that there is no specific allegation of firing against the petitioner who has been roped in the present case due to previous enmity. The informant is not an eye witness. But the learned subordinate courts did not consider the facts and circumstances and passed the order rejecting the prayer for bail considering the gravity of the offence and manner of the offence. The petitioner and other co-accused persons are having criminal antecedent and this fact also weighed upon the mind of the courts below. But in the provisions of the Juvenile Justice (Care and Protection of Children) Act the nature and gravity of the offence are not to be



seen. Though there is mentioning of the fact that all the family members have been absconding and there was danger to the life of the petitioner, the same is not correct. The mother of the petitioner is deponent in the present case and she has undertaken to take care of the petitioner so that he does not fall in bad company. Learned counsel further submits that the conduct of the petitioner has been sought from the Probation Officer who has given a favourable report and from report it shows that the petitioner, even if released on bail, would continue to maintain good conduct. There is no complaint against the petitioner while he has been staying in the place of safety. Learned counsel further submits that the similarly placed co-accused Sanjiv Yadav has been granted regular bail vide order dated 19.12.2024 passed in Cr. Misc. No. 71776 of 2024 by a Co-ordinate Bench. Learned counsel further submits there is nothing adverse against the present petitioner to deny him bail. Learned counsel next submits that the petitioner is in custody since 15.01.2024. For non-consideration of aforementioned facts by the courts below, their order could not be sustained.

5. Learned APP opposes the contention made on behalf of the petitioner. Learned APP submits that the learned subordinate courts have considered the fact that the petitioner is



himself having criminal antecedent and his associates are also having criminal antecedent. So, considering these facts and also the social investigation report which mentions about his family members absconding and petitioner might have danger to life if enlarged on bail, the learned subordinate courts rejected the prayer for bail.

6. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

7. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 reads as under:-

“Section 12 Bail to a person who is apparently a child alleged to be in conflict with law.

1) When any person, who is apparently a child and is alleged to have committed a abailable 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:

Provided that such person shall not be so



released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the persons release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home[or a place of safety, as the case may be] in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-section(1)by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.”



Therefore, only if there appears to be reasonable ground for believing that the release of child in conflict with law would bring him in association with the criminals or expose him to moral physical or psychological danger or his release would defeat the ends of justice, the bail shall be denied and reasons for the denial would be recorded. It is also apparent that the petitioner could be released on bail notwithstanding anything contained in the Code of Criminal Procedure, 1973.

8. Now at the same time, Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015, inter alia, provides for the general principles of care and protection of children and are extracted herein below:-

“The Central Government, the State Governments, [the Board, the Committee, or] other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:---

(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.

(ii) Principle of dignity and worth: All human beings shall be treated with equal dignity and rights.

(iii) Principle of participation: Every child



shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.

(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.

(vi) Principle of safety: All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter:

(vii).....

(viii) Principle of non-stigmatising semantics: Adversarial or accusatory words are not to be used in the processes pertaining to a child.

(ix).....

(x).....

(xi).....

(xii) Principle of institutionalisation as a measure of last resort: A child shall be



placed in institutional care as a step of last resort after making a reasonable inquiry.

(xiii) Principle of repatriation and restoration: Every child in the juvenile justice system shall have the right to be reunited with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.

(xiv).....

(xv).....

(xvi).....”

9. Cumulative reading of these two provisions makes it clear that there is presumption of innocence of a child in conflict with law and 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. At the same time, all measures will be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter. The Probation Officer has given a favourable report and from this report it is apparent that the petitioner even if released on bail would likely to continue in maintaining good conduct. There is no complaint against the



petitioner while he has stayed in the place of safety At the same time, the deponent who is stated to be the mother of the petitioner has also undertaken to take care of the child in conflict with law and also to take further steps for his protection.

10. Considering the interest of the petitioner to be of paramount importance and further finding that keeping the child in observation home may not serve the purpose of his reformation, this court is of the view that for the best interest of the child, he could be released on bail on submission of affidavit of due undertaking by the mother of the petitioner for taking good care of the child in conflict with law and for protection, both physical and mental, of the child before the learned Juvenile Justice Board. Accordingly, the petitioner/child in conflict with law shall be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Saharsa/ concerned court in connection with J.J.B. 31 of 2024, arising out of Salkhua P.S. Case No. 240 of 2022, subject to the following conditions:

(i) The mother of the child in conflict with law shall furnish an undertaking before the learned Juvenile Justice Board that she will



*take care of the child in conflict with law
and will keep him in safe custody and
produce him before the learned Juvenile
Justice Board as and when required.*

11. Accordingly, the order dated 21.01.2025 passed by the Additional Sessions Judge- Ist -cum- Special Judge, Children Court, Saharsa and order dated 24.04.2024 passed by the learned Juvenile Justice Board, Saharsa are set aside and present revision petition is allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
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