

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.535 of 2025

Arising Out of PS. Case No.-620 Year-2024 Thana- GARKHA District- Saran

Amit Kumar Son of Late Devendra Ray Resident of Village - Pithaghat-Baikunthpur, P.S.- Garkha, Distt.- Saran at Chapra under guardian Jagiya Devi (Mother)

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/O Raj Kishor Singh Resident of Village - Pithaghat, P.S.- Garkha, Distt.- Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate Ms. Rajani Kumari, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, APP
For O.P. No. 2	:	Mr. Ajit Kumar Singh, Advocate

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 as well as learned counsel appearing on behalf of opposite party no. 2.

2. The instant criminal revision petition has been filed against the order dated 28.04.2025 passed by learned First Additional Sessions Judge -cum- Children Court, Saran at Chapra in Criminal (Juvenile) Appeal No. 06 of 2025 as well as order dated 03.01.2025 passed by learned Juvenile Justice Board, Saran at Chapra in J.J.B. No. 1053 of 2024, arising out of Garkha P.S. Case No. 620 of 2024 registered for the offences



under Sections 69 of B.N.S. and 67(A) I.T. 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 informant a 19 years old lady, gave her written report that on the pretext of solemnization of marriage, the petitioner sexually exploited her and made video and took her photographs. He used to demand money from her and when she refused, the petitioner made the objectionable photographs of the informant viral on Instagram and Whatsapp. The petitioner was declared child in conflict with law vide order dated 16.12.2024 and his age was assessed to be 17 years and 22 days on the alleged date of occurrence. The prayer for bail of the petitioner was rejected by the learned Juvenile Justice Board as well as Children Court.

4. Learned counsel for the petitioner submits that the rejection orders of the courts below are not speaking and do not give any cogent reason and are against the best interest of the child in conflict with law. Both the courts below did not consider the social investigation report of the Probation Officer wherein it has been mentioned that the mother of the child in conflict with law wanted to keep him in her care and further wanted to him to continue his studies. The social investigation



report gave a favourable report about release of the petitioner under supervision of the Probation officer. Learned counsel further submits that it was a case of love affair and both the petitioner and informant eloped and both of them wanted to solemnize their marriage. However, due to refusal of the family of the child in conflict with law, the marriage could not be solemnized. Even in the conduct report there is mention that during his stay in observation home, the conduct of the petitioner is cordial and disciplined. The petitioner is having no criminal antecedent and he is in custody since 02.10.2024. Learned counsel further submits that in the best interest of the child, he needs to be released on bail if the impugned order suffers from illegality, impropriety and irregularity.

5. Learned APP opposes the contention made on behalf of the petitioner as well as learned counsel appearing on behalf of opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for opposite party no. 2 submits that the learned courts below found reasonable ground that release of the petitioner 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.



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 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:

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 mentioned in his report that during his stay in observation home, the conduct of the petitioner is cordial and disciplined. At the same time, 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. From the orders of the learned courts below, I do not find any material to show how the apprehension was



arrived at by the courts below about release of the 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 and there was no such material available on record.

11. 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) each with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Saran at Chapra/ concerned court in connection with J.J.B. No. 1053 of 2024, arising out of Garkha P.S. Case No. 620 of 2024, 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.

12. Accordingly, the order dated 28.04.2025 passed by the First Additional Sessions Judge -cum- Children Court, Saran at Chapra and order dated 03.01.2025 passed by the learned Juvenile Justice Board, Saran at Chapra are set aside and present revision petition is allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
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