

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.603 of 2025

Arising Out of PS. Case No.-282 Year-2016 Thana- BANIAPUR District- Saran

Juvenile X through his Natural Guardian his Father namely Raja Ray S/o-
Ganesh Ray Village- Kamta, Ps- Baniyuapur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mishra, Adv.
For the State	:	Mr. Shailendra Kumar, Spl.P.P.
For the Informant	:	Ms. Priya, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 15-12-2025

Heard learned counsel for the petitioner/child in
conflict with law, learned counsel for the State and learned
counsel for the informant.

02. The petitioner is a juvenile and the instant revision
petition is preferred on behalf of the petitioner for setting aside
the impugned Judgment/Order dated 06.05.2025 passed by
learned First Additional Sessions Judge-cum-Children Court,
Saran at Chapra, in Criminal(Juvenile)Appeal No. 17 of 2025
whereby and whereunder the learned appellate court rejected the
appeal of the petitioner and upheld the order dated 05.02.2025
passed by the Juvenile Justice Board, Saran at Chapra in J.J.B.
No. 927 of 2024 arising out of Baniyapur P.S. Case No. 282 of
2016 registered for the offences under Sections 302/34 of Indian
Penal Code and Section 27 of the Arms Act whereby and

whereunder the learned J.J.Board, Saran at Chapra rejected the prayer for bail of the petitioner.

03. Briefly stated, facts of the case is that the informant Chinta Devi, recorded her fardbayan on 10.10.2016 wherein she stated that due to previous enmity, the petitioner shot dead the husband of the informant. The FIR vide Baniyapur P.S. Case No. 282 of 2016 was registered against the petitioner and others for the offences under Sections 302/34 of Indian Penal Code and Section 27 of the Arms Act.

04. Learned counsel for the petitioner submits that the orders of the learned courts below are against the law as well as the facts existing on record. The petitioner was declared child in conflict with law (in short 'CICL') by the J.J. Board, Saran at Chapra vide order dated 18.11.2024. The petitioner approached the Juvenile Justice Board for grant of bail which was rejected and thereafter his appeal before the learned Children Court was also dismissed. Learned counsel for the petitioner submits that petitioner has been denied bail on extraneous consideration. The petitioner is a victim of circumstances. The learned subordinate courts rejected the bail application of the petitioner on the ground of adversarial reports but the same were not supplied to the petitioner. There is no material on record to show that the

release of the petitioner would bring him into association with any known criminal or expose him to moral, physical or psychological danger or his release would defeat the ends of justice, still the courts below have illegally and arbitrarily refused the prayer for bail of the CICL. Learned counsel further submits that the CICL is in custody since 09.02.2024 and he has one criminal antecedent in which he is on bail. Learned counsel for the CICL also submits that the father of the CICL has given an undertaking that he will take care of his son and will protect his son from anti-social elements and anti-social activities. Learned counsel also submits that the report of learned Probation Officer suggests that there is chance to reform the child and he may be released on bail for his rehabilitation. Thus, the learned counsel submits that the impugned orders are bad and the same needs to be set aside and the petitioner may be enlarged on bail.

05. Learned Spl.P.P. for the State and learned counsel for the informant oppose the prayer of the CICL. Learned counsel for the informant submits that there is specific allegation of shooting dead the husband of the informant against this CICL. Learned counsel further submits that the release of the CICL would affect the trial and the moral, physical and

psychological well being of the CICL and hence the CICL does not deserve to be enlarged on bail.

06. I have given my thoughtful consideration to the submission made on behalf of the parties and the matter at hand.

07. 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, there exists a non-obstante clause that child

in conflict with law **shall** be released on bail notwithstanding anything contained in the Code of Criminal Procedure, 1973. Therefore, it is apparent that the bail could be denied to the child in conflict with law only on the reasonable grounds for believing that that enlarging him on bail would bring him into association with any known criminal or expose him to moral, physical or psychological danger or his release would defeat the ends of justice.

08. Now, at the same time, relevant portion of 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

(vi)...

(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 re-united 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)..."

09. Cumulative reading of these two provisions makes clear that the underlying principle, when the case of any child in conflict with law is to be considered for grant of bail is the protection of best interest of the child and considering the reformatory nature of Act, gravity and nature of offences are immaterial for consideration of grant of bail to a child/juvenile in conflict with law. Therefore, I am of the opinion that the learned courts below rejected the prayer for bail of the CICL on completely vague grounds as there appears no such material on

record.

10. Therefore, considering the interest of the child to be paramount and further considering the scope for his rehabilitation, this Court thinks it fit and proper that the petitioner/CICL 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 J.J.Board, Saran at Chapra/concerned court, in connection with J.J.B. No. 927 of 2024 arising out of Baniyapur P.S. Case No. 282 of 2016, subject to the following conditions:

(i) One of the bailors will be the parents of the petitioner and other bailor will also be relative of the petitioner having no criminal antecedent and shall give undertaking that he/she shall keep proper care and upkeep of the petitioner.

(ii) The petitioner shall remain present before the Board on each and every date of trial of the case fixed by the Board.

11. Accordingly, the Judgment/Order dated 06.05.2025 passed by learned First Additional Sessions Judge-cum-Children Court, Saran at Chapra and order dated

05.02.2025 passed by the Juvenile Justice Board, Saran at Chapra are set aside and hence, the present revision petition stands allowed.

12. Office is directed to return the Lower Court Record forthwith.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.12.2025
Transmission Date	16.12.2025