

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.485 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- MAHARAJGANJ District- Siwan

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Anuj Yadav @ Anuj Kumar Son Of Ramesh Yadav Resident Of Village -KAPIYA Nijamat, P.S.-MAHARAJGANJ, District - Siwan, Under Guardianship Of His Grand Mother - Gautam Devi, Aged About 64 Years, Wife Of Kanhaiya Yadav, Resident Of Village -KAPIYA Nijamat, P.S.-Maharajganj, District - Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Respondent/s : Mr. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 01-05-2025 The instant application under 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the said Act) has been filed on behalf of the C.I.C.L. through his Grandmother namely Gautam Devi, challenging legality, validity and propriety of the order, passed by the Juvenile Justice Board, Siwan in G.R. No. 299 of 2023 and the order of affirmation passed in Criminal Appeal No. 01 of 2024 by the learned Special Judge, Children Court, Siwan, rejecting the prayer for bail of the C.I.C.L.

2. It is submitted by the learned Advocate on behalf of the C.I.C.L. that C.I.C.L. has been kept in Observation Home since 25th January, 2023. The C.I.C.L. is a minor being below



the age of 18 years. Therefore, following the provision of Section 12 of the said Act, the C.I.C.L. ought to be released on bail.

3. Learned Additional Public Prosecutor has raised serious objection against the prayer for bail.

4. I have gone through the materials on record and considered the submissions made by the learned counsels for the parties, it is true that the Supreme Court in *Re-Exploitation of Children In Orphanages in the State of Tamil Nadu Vrs. Union of India*, expressly underscored the grant of bail as a mandatory Rule in Juvenile Justice cases. It is held by the Hon'ble Supreme Court that the Letter of Law requires that the child be released on bail and the embargo on liberty of the child is only in three exceptional circumstances which are not in best interest of the child.

5. The proviso to Section 12(1) of the said Act carves out three limited exceptions to the mandate of bail in Juvenile Justice and states that the bail is to be denied in situation where the release of the C.I.C.L. would:-

(i) Bring him into association with any known criminal.

(ii) Expose him/her to moral, physical or



psychological danger.

(iii) Defeat the ends of justice.

6. It is submitted by the learned Advocate for the petitioner that from the F.I.R. itself it is clear that there was a previous enmity between the parties over landed property and the incident occurred when both parties were abusing each other at the hit of moment.

7. I have carefully perused the F.I.R. (fardbeyan), it may be a fact that there was landed dispute, it may be a fact that on the date of occurrence some verbal abusive words were exchanged between the deceased, C.I.C.L. and his father, but for such dispute or quarrel a child can never be so agitated that he stabbed the mother of the informant, in such a way, that she died while on the way to hospital. The crime committed by the C.I.C.L. is certainly heinous. If a person, who commits murder of an old lady, is released on bail, taking into consideration that the best interest of the child must be protected, and in case of a C.I.C.L. bail is the Rule, it would defeat the cause of justice.

8. For the reasons stated above, this Court is not inclined to take any contrary view to the view taken by the Juvenile Justice Board as well as the Special Judge, Children Court, Siwan.



9. The instant criminal revision is accordingly
dismissed.

(Bibek Chaudhuri, J)

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