

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.600 of 2025

Arising Out of PS. Case No.-170 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Deepu Kumar @ Dipu Kumar S/o Lallan Ray @ Lalan Ray R/o Village-
Yamuna Mathiya, PS- Muffasil, Distt- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Supan Prasad Yadav S/o Prahalad Prasad Yadav R/o vill - Yamuna Mathiya,
P.S.- Muffasil, Distt.- Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Tiwary, Adv.
For the State	:	Mrs. Pushpa Sinha, Spl.P.P.
For the OP2	:	Mr. Parvind Kumar, 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 opposite party no. 2.

02. The petitioner/juvenile is a child in conflict with law (in short 'CICL') and the instant revision petition is preferred on behalf of the petitioner for setting aside the impugned Judgment/Order dated 17.05.2025 passed by learned First Additional Sessions Judge-cum-Children Court, Saran at Chapra, in Criminal(Juvenile)Appeal No. 15 of 2025 whereby and whereunder the learned appellate court rejected the appeal of the petitioner and upheld the order dated 03.01.2025 passed by the Juvenile Justice Board, Saran at Chapra in JJB No. 983 of

2024 arising out of Muffasil P.S. Case No. 170 of 2024 registered for the offences under Sections 302 of Indian Penal Code 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 are that the informant recorded his *fardbayan* before the police official on 26.03.2024 wherein he stated that his son went on his motorcycle to play Holi and subsequently his dead body was found near a bridge and there was a deep injury on the back side of his head. The informant alleged that the petitioner, in the background of earlier dispute, stabbed him to death and fled away with his mobile. On the basis of the *fardbayan* of the informant, Chapra Muffasil P.S. Case No. 170 of 2024 has been registered. Subsequently on 27.11.2024, the age of the petitioner was assessed by the learned J.J.Board to be 13 years 05 months and 06 days on the date of occurrence. The prayer for bail of the petitioner was rejected by the learned J.J.Board, Saran at Chapra and thereafter, the petitioner filed an appeal before the learned First Additional Sessions Judge-cum-Children Court, Saran at Chapra but the said appeal was also rejected on 17.05.2025 affirming the order passed by the learned J.J.Board, Saran at Chapra.

04. Learned counsel for the petitioner/CICL submits that the orders of the learned courts below are against the law as well as the facts existing on record. The age of the CICL was assessed to be 13 years, 5 months and 06 days and it shows the petitioner was only a child on the date of occurrence. Learned counsel further submits that the whole case against the CICL is based on suspicion and no material has come up on record to show the complicity of the CICL in the alleged occurrence. The FIR has been lodged after a delay of one day. Learned counsel further submits that prior to recording his *fardbayan*, the informant or his son have not made any complaint against this petitioner. Furthermore, the case of the informant gets demolished as post mortem report shows no injury was found on the head/body by knife and only an external injury which is a lacerated wound on the occipital region was found. Therefore, the post mortem report does not support the prosecution case. Learned counsel further submits that the post mortem report is silent on the cause of death and viscera was preserved for chemical analysis. Moreover, nothing incriminating has been recovered from the person or possession of the CICL. The son of the informant was a habitual criminal and a drunkard. On the day of Holi, he had been driving his motorcycle under the

influence of alcohol without wearing a helmet. As a result, when he fell down, he sustained injury on his head and subsequently died. Learned counsel further submits that the orders of the learned J.J. Board as well as learned appellate court are illegal. The prayer for bail of the CICL has been rejected by a cursory order passed by the learned courts below in an arbitrary manner. The learned subordinate courts did not appreciate the report of the District Probation Officer, Social Background Report and Social Investigation Report in its right perspective. Further there is no material on record to hold that release of petitioner would bring the child 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 bare perusal of the impugned orders demonstrates that the same has been passed in a mechanical manner and on flimsy ground on presumption and the same has resulted in gross miscarriage of justice. Learned counsel further submits that there is no subjective consideration of prayer for bail of the petitioner by the courts below. Learned counsel further submits that the petitioner is in custody since 27.03.2024 and he has no criminal

antecedent.

05. Learned Spl.P.P. for the State and learned counsel for the opposite party no. 2 oppose the prayer of the CICL. Learned counsel for the opposite party no. 2 submits that the petitioner committed murder of the son of the informant by giving a knife blow on the back of his head. Learned counsel further submits that the petitioner 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 available 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 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)..."

09. Cumulative reading of these two provisions makes it 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 the 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 JJB No. 983 of 2024 arising out of Chapra Muffasil P.S. Case No. 170 of 2024, 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 17.05.2025 passed by learned First Additional Sessions Judge-cum-Children Court, Saran at Chapra and order dated 03.01.2025 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