

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.602 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- NASRIGANJ District- Rohtas

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Aman Kumar S/o Nagdev Kumar Singh R/o Village/Mohalla-Ward
no.8,Nasriganj,Rohtas at Sasaram through his father Nagdev Kumar Singh
S/o Bhagvan Singh

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar Singh Son of Late Shailesh Prasad Singh Resident Of Village
and Po- Mirjapur, Ps- Mali, Dist- Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar, Adv.
For the Respondent/s	:	Mr.Pranav Kumar, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 15-12-2025

Heard learned counsel for the petitioner/child in
conflict with law and learned counsel for the State. There is no
representation on behalf of the opposite party no. 2 though he
has been served.

02. The instant revision petition is preferred on behalf
of the petitioner for setting aside the impugned Judgment/Order
dated 29.05.2025 passed by learned Special Judge (Children
Court)-cum-1st District and Additional Sessions Judge, Rohtas
at Sasaram, in Criminal Appeal No. 17 of 2025 arising out of
Nasriganj P.S. Case No. 10/2025 registered for the offences
under Sections 310(2), 311 of the BNS and Section 27 of the

Arms Act whereby and whereunder the learned appellate court rejected the appeal of the petitioner and upheld the order dated 18.03.2025 passed by the learned Juvenile Justice Board, Rohtas at Sasaram in JJB Case No. 27 of 2025 arising out of Nasriganj P.S. Case No. 10/2025 whereby and whereunder the learned J.J.Board, Rohtas at Sasaram rejected the prayer for bail of the petitioner.

03. Briefly stated, facts of the case are that a written report was given by the informant leading to institution of Nasriganj P.S. Case No. 10 of 2025 and the informant stated in the written report that he is an operator of sand ghat no. 30A, Nasriganj and in the night of 17/18.01.2025, 10-12 miscreants on four motorcycles reached the ghat of the informant and opened indiscriminate firing. They had been demanding money on gun point. They also assaulted the staff present there and lastly the miscreants fled away with Rs. 5 lakh kept in the cash box. The name of the petitioner transpired during investigation for being involved in the said occurrence. On age determination the petitioner was found to be a child in conflict with law (in short 'CICL').

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. Learned counsel for the CICL submits that the name of the child transpired in this case on statement of co-accused Dipak Kumar who has been granted bail by the learned J.J. Board vide order dated 18.03.2025 in J.J.B. Case No. 27 of 2025. The prayer for bail of the CICL was rejected by the learned J.J. Board, Rohtas at Sasaram after which the CICL approached the learned Special Judge (Children Court)-cum-1st District and Additional Sessions Judge, Rohtas at Sasaram, in Criminal Appeal No. 17 of 2025 which rejected the appeal of the CICL vide its order dated 29.05.2025 and affirmed the order of the learned J.J.Board. Nothing incriminating has been recovered from person or possession of this petitioner. Learned counsel further submits that the orders of the learned sub-ordinate courts are not sustainable and are bad in law as well as on facts. The petitioner has been apprehended merely on suspicion. The learned courts below did not appreciate the objective of the Juvenile Justice Act which is not to punish the CICL but to reform them. The learned courts below did not consider the provision of Section 12 of the Juvenile Justice Act in its true perspective. Learned counsel further submits that the learned courts below have not considered that there are no material on record to show that

release of CICL would likely to 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 for the petitioner also submits that the father of the petitioner 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 further submits that the petitioner is in custody since 21.01.2025. The child has one antecedent but he is on bail in the said case. 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 oppose the prayer of the CICL and submits that the child also has one criminal antecedent.

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 person's 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 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, Rohtas at Sasaram /concerned court, in connection with JJB Case No. 27 of 2025 arising out of Nasriganj P.S. Case No. 10/2025, 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 29.05.2025 passed by learned Special Judge (Children Court)-cum-1st District and Additional Sessions Judge, Rohtas at Sasaram and order dated 18.03.2025 passed by the Juvenile Justice Board, Rohtas at Sasaram are set aside and hence, the present revision petition stands allowed.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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