

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.703 of 2025

Arising Out of PS. Case No.-898 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Ranjeet Kumar S/o Santosh Choudhary Son of Baijnath Chaudhary Resident of Village- Delalgaanj, PS- Sasaram (Town), District- Rohtas and through his under the natual guardianship of his father Santosh Choudhary

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Ranjan Roy Son of Late Sahdeo Roy At present posted as Inspector cum S.H.O Sasaram(T) Police Station- Sasaram Town District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Raghunandan Kumar Singh, Adv.
For the Respondent/s	:	Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 16-12-2025

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

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 29.04.2025 passed by learned Special Judge Children Court-cum-1st-District and Additional Sessions Judge, Rohtas at Sasaram, in Criminal Appeal No. 10 of 2025 whereby and whereunder the learned appellate court rejected the appeal of the petitioner and upheld the order dated 29.01.2025 passed by the Juvenile Justice Board, Rohtas at Sasaram in J.J.B. No. 549 of 2024 arising out of

Sasaram(T) Model P.S. Case No. 898 of 2024 registered for the offences under Sections 21, 23, 25, 25A, 27(a), 29, 30, 32 of The Narcotic Drugs And Psychotropic Substances, Act, 1985 and Section 25(1-B)(a),35,36 of the Arms Act 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 is that that police received secret information about co-accused persons indulging in the trade of *heroin* and other psychotropic substances. A raid was conducted at the houses of the co-accused persons and this petitioner along with other co-accused persons was apprehended and recovery of 930 grams, 722 grams and 233 grams of *heroin* along with live cartridges, firearms, laptops, mobile phones and other articles were made from various places at the instance of the accused persons. Hence, the FIR vide Sasaram(T) Model P.S. Case No. 898 of 2024 was instituted against the petitioner and other co-accused persons. The petitioner filed a petition for bail before the J.J.Board, Rohtas at Sasaram in JJB Case No. 549/2024 which was rejected and thereafter the petitioner preferred an appeal against the rejection order which was dismissed vide order dated 29.04.2025 passed in Criminal Appeal No. 10/2025. Aggrieved by these two orders the

petitioner has come before this Court in the instant revision petition.

04. Learned counsel for the petitioner submits that from the FIR it is apparent that no recovery has been made from the conscious possession of this petitioner and similarly placed co-accused persons namely Anurag Raj, Altumas @ Jaid Ali and Bikash Kumar have been granted bail vide orders dated 29.08.2025, 17.11.2025 and 28.11.2025 passed in Cr. Misc. No. 22470 of 2025 and Cr. Misc. No. 72936 of 2025 and Cr. Misc. No. 82079 of 2025, respectively by a learned Co-ordinate Bench of this Court. Learned counsel further submits that another juvenile co-accused was granted bail by the appellate court. The petitioner was declared juvenile vide the enquiry dated 03.01.2025 by the JJ Board Rohtas at Sasaram and his age was assessed to be 17 years 7 days at the time of occurrence. Learned counsel further submits that the learned subordinate courts erred in not following the mandate of Section 3(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 which says principle of presumption of innocence has to be applied in the case of child in conflict with law. Further the bail could be denied to the petitioner only under Section 12 of the J.J.Act. 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 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. The learned trial court entirely went on by its reasoning that the petitioner comes from an economically weaker family and needs special teaching pertaining to discipline etc. There were no material to show that the petitioner was in association of any known criminal or would come under association of any known criminal. Placing reliance on the nature of the allegation and seriousness of offence makes the impugned order bad in the eyes of law. 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 03.11.2024 and he has no criminal antecedent. Therefore, the impugned order is not sustainable and the same needs to be set aside.

05. Learned Spl.P.P. submits that at the instance of petitioner and other co-accused persons recovery of 930 grams,

722 grams and 233 grams of *heroin*, two pistol and a number of cartridges along with laptops, mobile phones and other articles were made from various places.

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 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. In the facts of the present case, it appears the learned courts below rejected the prayers for bail on the apprehension that if released, the petitioner would intermingle with known criminals which would expose the child to moral, physical or psychological danger but no material has been discussed for arriving at such conclusion. Further the learned subordinate courts have not considered the fact that there is no material on record to show that enlarging the CICL 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.

10. Therefore, in the light of aforesaid discussion and considering the principles of law as enunciated under Section 12 and 3 of the Juvenile Justice Act, I do not think the petitioner should be allowed to remain in custody 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 J.J.B. No. 549 of 2024 arising out of Sasaram(T) Model P.S. Case No. 898 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 order/judgment dated 29.04.2025
passed by learned Special Judge Children Court-cum-1st-
District and Additional Sessions Judge, Rohtas at Sasaram and
order dated order dated 29.01.2025 passed by the Juvenile
Justice Board, Rohtas at Sasaram 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