

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.744 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- SHASTRINAGAR District- Patna

Rishi Raj @ Rishi Kumar Raj @ Laddu Son of Sri Rajesh Ram R/o of Navkothia, Circular Road, Raod No.3, Jhoparpatti, P.S. - Sachiwalya, District - Patna Under Natural Guardianship of his Mother Sandhya Devi, R/o Navkothia, Circular Road, Road no. 3, Jhoparpatti, P.S. - Sachiwalya, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Devrati Devi wife of late Janak Mahto, Resident of Circular Road No.3, Nav Kothia, P.S.-Sachivalya, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Advocate
		Mr. Saroj Kumar Choudhary, Advocate
For the Respondent/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 07-07-2025 The natural guardian, mother of the juvenile in conflict with law, hereinafter described as 'J', has challenged the order of rejection of bail of 'J' under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The opposite party No.2 is the informant and mother of the deceased. Her son was murdered in the night of 27/28th July, 2022. She identified the dead body of her son in the hospital and subsequently made a statement before the on duty police officer against unknown offender, alleging inter-alia, that her son was murdered.

3. Police took-up the case for investigation, during



investigation police recovered Call Data Record (CDR) of the deceased immediately before the occurrence. Police noticed that the deceased had talk with 'J' several times over mobile phone before his unfortunate death. Only on such basis 'J' was arrested and he has been confined in protection home since 02.08.2022. Apart from CDR, only evidence which the Investigating Officer relies on his alleged confessional statement of 'J' made to the police. Both the Juvenile Justice Board as well as the Children's Court rejected the prayer for bail on two grounds, viz., firstly, 'J' made a confessional statement before the police and secondly, he talked to the deceased over mobile phone before the occurrence. The Court of Appeal also was of the view that if 'J' is acquitted, there is every possibility that he would mix-up with known criminals and this would degrade the moral and social standing of 'J'.

4. I have heard the learned Counsel for the petitioner as well as the learned Counsel for the State.

5. In spite of service of notice, the opposite party No.2 failed to appear before this Court.

6. It is needless to say that confession made before the police is not admissible in evidence, on the basis of some inadmissible record, an accused cannot be detained. Secondly,



Call Data Report does not even prima-facie establish involvement of the petitioner in committing the offence.

7. Proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 could and embargo against release of a juvenile on bail 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.

8. Mere reproduction of proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 is not enough either for the Board or the Court of Appeal, the grounds as to why the juvenile shall not be released on bail must accompany recording of reasons and circumstances that led to such a decision. It is not enough for the Board or the Court to reject the prayer for bail stating the ground that if the juvenile is released, it is likely to bring that person into association with known criminal. The Court must state the names of the criminals known to the juvenile. The Court must also come to the circumstance that the juvenile used to mix-up with the



named known criminals and if he is released, he would get an opportunity to be associated with those known criminals. Without such observation merely reproduction of the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 is not sufficient to reject the application for bail.

9. For the reasons stated above, this Court does not agree with the finding made by the Board and the Children's Court rejecting an application for bail of 'J'. Moreover, 'J' is in custody since 02.08.2022.

10. Considering all such circumstances, the 'J', above named, be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of like amount to the satisfaction of learned Juvenile Justice Board, Patna City, Patna in connection with J.J.B. Case No.828 of 2022, arising out of Shastri Nagar P.S. Case No.447 of 2022, subject to following condition that:-

(I) One of whom must be the mother of petitioner.

(II) further condition that if on bail he shall be under the care and protection of his mother and under the supervision of the Probation Officer, who



will submit quarterly report about the antecedent of ‘J’ before the Board and if any such report is found to be unsatisfactory, the Board is at liberty to cancel the order of bail without reference to this Court.

11. With the above order, the instant criminal revision is disposed of.

(Bibek Chaudhuri, J)

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