

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.127 of 2026

Arising Out of PS. Case No.-609 Year-2023 Thana- GHORASAHAN District- East
Champaran

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XX Son of Akhilesh Mishra Resident Of Village - Dharhari, Ps- Chiraiya,
Dist- East Champaran through its natural Guardian Mother Pushpa Devi
Female aged about 41 years Wife of Akhilesh Mishra Resident of village-
Dharhari, ps- Chiraiya, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambha Devi Wife of Videshi Mahato Resident of village- Mahadeva Ps-
Ghorasahan, Dist- East Champaran

... .. Respondent/s

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Appearance :
For the Petitioner/s : Mr. Shashi Bhushan Pandey, Advocate
For the Respondent/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

5 26-05-2026 Heard the parties.

2. The present Criminal Revision application has been
filed on behalf of the petitioner against the order dated
02.08.2025 passed by the learned Juvenile Justice Board, East
Champaran at Motihari in JJB Trial No. 1666 of 2024, arising
out of Ghorasahan P.S. Case No. 609 of 2023, registered under
Sections 302/120B/34 of the Indian Penal Code and Section 27
of the Arms Act, whereby the prayer for bail of the petitioner
was rejected. The petitioner has also challenged the order dated
14.11.2025 passed by the learned District & Additional Sessions
Judge-I, East Champaran at Motihari in Criminal Appeal No. 30



of 2025, arising out of Ghorasahan P.S. Case No. 609/2023, whereby the learned Appellate Court affirmed the order passed by the learned Juvenile Justice Board.

3. Learned counsel for the petitioner submits that the FIR was lodged against unknown persons. The allegation is that the son of the informant was killed by unknown miscreants. During investigation, one Sahil Kumar @ Sahil Yadav was arrested. He admitted the occurrence and stated that in the first part of the incident, he along with the petitioner was going to a fair, where miscreants attempted to molest a lady, and that thereafter, in retaliation, one Subodh Kumar fired upon the deceased. The name of the petitioner surfaced in the confessional statement of co-accused Sahil Kumar. No role has been assigned to the petitioner in the second part of the occurrence. The only allegation against him is that he was present at the fair along with others. It is further submitted that the father of the petitioner is willing to accept responsibility for his son and to furnish the requisite undertaking before the learned Board.

4. Learned counsel appearing for the State has opposed the prayer for bail.

5. Having considered the submissions of the parties



and on perusal of the materials available on record, this Court finds that the FIR was instituted against unknown persons and the implication of the petitioner rests solely upon the confessional statement of co-accused Sahil Kumar. It is well settled that the confessional statement of a co-accused is a weak form of evidence and cannot, by itself, sustain the charge against another accused — a fortiori, it cannot be treated as sufficient material to deny the benefit of bail at this stage. There is no allegation in the FIR or in the materials on record that the petitioner was present at the place where the firing was done or that he participated in the act of firing causing the death of the deceased. Nothing adverse appears against the petitioner in the FIR. Further, there is no material on record to prima facie make out the charge of criminal conspiracy under Section 120B IPC insofar as the petitioner is concerned, his only stated role being that of a co-traveller to the fair. Since the petitioner is a juvenile, the applicable standard for bail is that prescribed under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which mandates release of a juvenile on bail unless the Court finds reasonable grounds to believe that such release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger, or that



his release would defeat the ends of justice. No such ground is made out from the materials available. The impugned orders, having declined bail without adequately applying this statutory standard, suffer from material irregularity and cannot be sustained.

6. Accordingly, the impugned order dated 02.08.2025 passed by the learned Juvenile Justice Board, East Champaran at Motihari in JJB Trial No. 1666 of 2024, arising out of Ghorasahan P.S. Case No. 609 of 2023, and the order dated 14.11.2025 passed by the learned District & Additional Sessions Judge-I, East Champaran at Motihari in Criminal Appeal No. 30 of 2025, arising out of Ghorasahan P.S. Case No. 609/2023, are hereby set aside.

7. The Revision Application is accordingly allowed.

8. Let the petitioner, above named, be released on bail in connection with JJB Trial No. 1666 of 2024, arising out of Ghorasahan P.S. Case No. 609 of 2023, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each, to the satisfaction of the learned Juvenile Justice Board, East Champaran at Motihari, subject to the condition that the natural guardian/father of the petitioner shall furnish an undertaking before the learned Board that he



shall keep proper care, supervision and watch over the conduct and activities of the juvenile and shall ensure that the juvenile does not come in association with known criminals or indulge in any unlawful activities. It is further directed that the concerned Probation Officer shall periodically monitor the conduct of the petitioner and submit a report before the learned Board.

(Ansul, J)

Ranjeet/-

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