

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.135 of 2026**

Arising Out of PS. Case No.-22 Year-2025 Thana- BHAGWAN BAZAR District- Saran

X

... .. Petitioner

Versus

1. The State of Bihar
 2. Tannu Kumari Daughter of Rajendra Kumar Yadav, Resident of village-
Near Sadha Dhala, Bazar Samiti, PS- Mufassil, Dist- Saran.
- Respondents

Appearance :

For the Petitioner	:	Mr. Ashok Kr. Dubey, Advocate Ms. Priya Raj, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the O.P. No. 2	:	Ms. Akanksha Malviya, Advocate Mr. Mukund Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 29-06-2026

Present learned counsel for the petitioner, learned counsel for the informant / opposite party no. 2 as well as learned APP for the State.

2. From perusal of record, it transpires that in the revision petition, the identity details of the petitioner / child in conflict with law (for brevity, "CICL") is being disclosed, which is against the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity, "the Act of 2015"), which mandates protection of disclosure of identity of the CICL. Therefore, the identity of the CICL is being referred to in the cause title as X.

3. Registry while uploading the order on the website



shall also ensure that the cause title is reflected in similar manner.

4. The instant criminal revision petition is directed against the order dated 12.01.2026 passed by the learned First Additional Sessions Judge-cum-Children Court, Saran at Chapra, in Criminal (Juvenile) Appeal No. 45 of 2025, Reg. No. 45 of 2025, whereby and whereunder the appeal was dismissed and the order of learned Juvenile Justice Board, Saran at Chapra dated 08.09.2025 passed in JJB Case No. 51 of 2025, arising out of Bhagwan Bazar P.S. Case No. 22 of 2025 for offences punishable under Sections 70(1) and 3(5) of the B.N.S., 2023, has been affirmed and the appeal preferred by the petitioner has been dismissed.

5. As per prosecution case, the petitioner and other co-accused persons committed gang-rape with the informant. The petitioner was apprehended and is in custody since 19.01.2025 by the learned J.J. Board, Saran at Chapra. The petitioner was declared a child in conflict with law *vide* order dated 11.08.2025 passed by the learned J.J. Board, Saran at Chapra.

6. Being aggrieved by the order dated 12.01.2026 passed by the learned Appellate Court, the petitioner has moved the present revision petition before this Court.

7. Learned counsel for the petitioner/CICL submits that the CICL has been falsely implicated in this case and he is



innocent. The prosecution story is not believable. The FIR has been registered after a delay of more than twenty-four hours without any plausible explanation. Though the CICL has been named as an accused in the written report on which the FIR has been instituted, the informant did not name this CICL in her statement recorded under Section 183 of the B.N.S.S., 2023. Learned counsel further submits that the medical report does not support the allegation of gang-rape. The main accused against whom there is specific allegation of kidnapping the informant and taking her to a secluded place and committing rape with her, has been granted bail by learned First Additional Sessions Judge-cum-Children Court, Saran at Chapra. Learned counsel further submits that the learned Courts below have failed to appreciate the mandate of law as under Section 12 as well as Sections 3(i), 3(IV), 3(V) and 3(XIV) of the Act of 2015. Learned counsel further submits that the Courts below failed to consider that prolonged detention of a CICL defeats the very objective of the J.J. Act which is reformatory and rehabilitative in nature. Learned counsel next submits that mother of the CICL undertakes to take full care of her son and further undertakes that she would not allow the CICL to come in contact with bad elements. Learned counsel further submits that CICL is having antecedent of five cases and he is on bail in all these cases.



8. Learned APP for the State as well as learned counsel for the OP No. 2 vehemently oppose the submissions made on behalf of the petitioner / CICL. Learned counsel for the OP No. 2 submits that the learned Courts below have correctly passed the orders considering the antecedent of the CICL. CICL is having altogether five criminal cases and he committed all these offences while on bail in two such cases. There is every likelihood that the CICL would again commit some serious offence if he is enlarged on bail. He further submits that thus there is apparent mental, physical and psychological danger to the CICL and it is also very likely that the CICL would again come in contact with his associates who appear to be inveterate criminals.

9. I have given my thoughtful consideration to the rival submissions advanced by the parties and perused the record.

10. Section 12 of the Act of 2015 makes it clear that a CICL could be denied bail only on the ground that on release, the said child would come in contact with criminal elements or there was danger to the moral, physical and psychological well being of the CICL or the release would defeat the ends of justice. If these grounds are not present, the bail could not be denied to a CICL.

11. Further, the Act of 2015 is, in fact, child friendly. The central theme is that the interest of child is supreme. Section 3 of the Act of 2015 incorporates the general principles to be



followed in the administration of the Act. According to which, “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. In fact, Section 3(iv) of the Act of 2015 provides for the principle of best interest and for 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. Section 3(xii) of the Act of 2015 makes it abundantly clear that a child shall be placed in institutional care as a step of last resort after making a reasonable inquiry. Further, Section 3(xiii) of the Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides for Principle of repatriation and restoration stating that a CICL shall have the right to re-unite with his family and be restored to the social, cultural and the economic background that he came from unless such restoration and repartition is not in the CICL’s best interest.

12. Cumulative reading of aforesaid provisions show the CICL should be released on bail unless the fact comes on record that there was chance of such child coming in contact with a known criminal or enlarging such child on bail might expose him to moral, physical or psychological danger. Further, the Courts being *parens patriae* are supposed to look into for protection of



best interest of the child. All such steps are to be taken by the Courts for reformation and rehabilitation of a CICL.

13. Therefore, in this background, the present matter needs to be considered. The learned Appellate Court observed that the CICL is in the habit of smoking, drinking wine and gambling and is in company with illiterate persons. Further, considering the criminal antecedent of the CICL, the learned Appellate Court came to a finding that his release would bring him into association of known and unknown criminals and also expose him to moral, physical and psychological danger and it would also defeat the ends of justice. It is true that the CICL is having antecedent of five cases and it also appears that he has been named in this case after release on bail in two such cases, but the intent and purpose of the J.J. Act is to reform a child delinquent and if the Court refused to release the child and bring him to his family would defeat the purpose if prayer for bail is rejected on the ground of criminal antecedent, though it becomes relevant factor for considering whether the case of the CICL falls in any of the exceptions under Section 12 of the Act of 2015. Since the bail of the CICL is refused solely on the ground of criminal antecedent, I think the CICL can be given an opportunity to reform himself and for reformation and rehabilitation of the CICL, the best place is his family and as his mother has undertaken to take care of him, I



think considering all these facts and circumstances and the mandate of law, the prayer for bail of the CICL could be sympathetically considered.

14. Accordingly, the order of the Appellate Court dated 12.01.2026 passed by the learned First Additional Sessions Judge-cum-Children Court, Saran at Chapra in Criminal Appeal No. 45 of 2025 is set aside. Subsequently, the order of the learned J.J. Board in JJB Case No. 51 of 2025, arising out of Bhagwan Bazar P.S. Case No. 22 of 2025 is also set aside.

15. Let the petitioner, a child in conflict with law, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Saran at Chapra / concerned Court in connection with JJB Case No. 51 of 2025, arising out of Bhagwan Bazar P.S. Case No. 22 of 2025, subject to the following conditions:

(i) One of the bailors will be the parents of the petitioner and the 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.

(iii) If the petitioner is found involved in similar nature of offence in future, the learned J.J. Board, Saran at Chapra will be at liberty to move for cancellation of his bail bond.

16. Accordingly, the present revision petition is allowed.

17. The office is directed to send back the LCR to the court concerned forthwith.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.06.2026
Transmission Date	30.06.2026

