

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.215 of 2025

Arising Out of PS. Case No.-584 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Juvenile X Through his father Krishna Prasad, Son of krishna prasad Resident
of village - Kaithwalia, P.S - Gopalganj, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brajesh Kumar S/O Late Jawahar Sah R/O Vill.- Hajiapur, Kaithwalia, Ward
No.- 8, P.S and Dist.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Srivastava, Adv. Mr. Shashwat Srivastava, Adv.
For the State	:	Md. Iftexhar Mahmood, APP
For the OP No. 2	:	Mr. Anirudh Kumar Verma, Adv. Mr. Vyas Kr. Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 09-02-2026

Heard learned counsel for the petitioner and learned
counsel for the opposite party no. 2 and learned counsel for the
state.

02. The instant revision petition is preferred on behalf
of the petitioner for setting aside the impugned judgment dated
07.01.2025 passed by learned Additional Sessions Judge-1st
Gopalganj in Criminal Appeal No. 31 of 2024 arising out J.E.
No. 398 of 2024 in connection with Gopalganj P.S. Case No.
584 of 2024 for the offences under Section 103(1), 3(5) of the
B.N.S. whereby and whereunder the learned Additional Sessions



Judge-1st Gopalganj rejected the appeal of the petitioner for grant of bail and the order dated 23.10.2024 of learned Juvenile Justice Board, Gopalganj was upheld.

The present revision is also preferred against order dated 23.10.2024 passed by the learned Juvenile Justice Board, Gopalganj in Gopalganj P.S. Case No. 584 of 2024 wherein the prayer for regular bail of the petitioner was rejected.

03. Briefly stated facts of the case are that the son of the informant/opposite party no. 2 went with the petitioner and other co-accused persons and later on his dead body was recovered and it was found he was stabbed to death.

04. The petitioner was declared a juvenile on 02.09.2024 and his prayer for bail was rejected vide order dated 23.10.2024 by the learned JJ Board in JE No. 398 of 2024 arising out of Gopalganj PS Case No. 584 of 2024. The appeal against the said order was rejected vide judgment dated 07.01.2025 passed in Criminal Appeal No. 31 of 2024 by the learned Additional Sessions Judge-I, Gopalganj. Against these orders, the petitioner has approached this Court in the instant revision petition.

05. Learned counsel for the petitioner submits that the orders of learned Subordinate Courts are not sustainable as the



orders have been passed without appreciation of facts and the law. There is no eye witness to the alleged occurrence and without any substantive material, this petitioner has been made accused in this case. FIR has been lodged after delay of two days without any satisfactory explanation. Moreover, the gravity and seriousness of offences could not be a ground for rejection of bail to juvenile/child in conflict with law(in short “CICL”). There is no material on record to show that the case of the petitioner falls in any of the conditions prescribed under Section 12 of the Juvenile Justice (Care and Protection of Children) Act (in short “JJ Act”) for rejection of prayer of bail of the petitioner. Merely on assumption that the petitioner would go in contact with any known criminals and there is possibility of danger to rehabilitation and reformation of the petitioner, the prayer for bail of the petitioner was rejected. Further fact weighing on the minds of the courts below was the fact of recovery of knife at the instance of the petitioner. But the scope of Section 3 of the JJ Act makes it clear that the purpose of law is to reform the child and not to penalize him for any act done in juvenility. Learned counsel further submits that the petitioner is in custody since 07.08.2024. Learned counsel further submits that the co-accused person has been granted bail by a



Coordinate Bench of this Court vide order dated 23.09.2025 passed in Cr. App. SJ No. 3154 of 2025.

06. Learned counsel appearing on behalf of the opposite party no. 2 vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the learned appellate court in clear terms held that the brother and the father used to instigate the CICL to commit the crime and there was chance that if the CICL is released on bail the child will come in association with bad elements. The family members and parents of the child were having no control over the CICL. Therefore the release of child would not be in his best interest. The CICL is having a criminal antecedent. The APP for the State supports the contention of the learned counsel for the opposite party no. 2.

07. I have given my thoughtful consideration to the rival submission of the parties.

08. At the outset, it is made clear that the gravity and seriousness of the offences is immaterial for grant of bail to the CICL has mandated under Section 12 of the JJ Act which 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 I[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.”.

09. The Hon’ble Division Bench in the case of ***Lalu***

Kumar @ Lal Babu @ Lallu Vs The State Of Bihar, (2019) 4

PLJR 833 distinguished between the statutory provisions regarding the bail in JJ Act and CrPC. Therefore bail could be denied to a CICL only on the ground that release would bring him in association with known criminals or it will cause moral,



physical and psychological danger to the child or it would defeat the ends of justice. Further in Section 3 of the JJ Act there are some salutary provisions governing the well being of a CICL and foremost of them is the presumption of innocence. Thereafter Section 3(iv) of the JJ Act 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 JJ Act makes it abundantly clear that a child shall be placed in institutional care as a step of last resort after making a reasonable inquiry. Section 3(xiii) of the JJ Act provides for Principle of repatriation and restoration which reads as follows:

“Every child in the juvenile justice system shall have the right to be re-united 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.”

10. Cumulative reading of Section 12 of the JJ Act and Section 3 of the JJ Act shows the under current flowing in the JJ Act is regarding reformation of child. The CICL is not to be punished rather it would be for the betterment of the society



that any such child is allowed to join the main stream and is not stigmatized. In the present case, though the social investigation report and the social background report has been discussed in the order of the learned district courts that there might be chance of child coming into association with known criminals or suffering moral, physical and psychological danger and thus his release would defeat the ends of justice, yet, I think considering the fact that the child has been kept in custody for quite long time and has been away from his family and the same could not be said to be in the best interest of the child though it has come that the petitioner comes from a criminal family background but there is absence of material to support such contention. Therefore, in order to reunite the petitioner with his family, I am of the considered opinion that it would be in paramount interest of the petitioner that for his further development and growth, petitioner/juvenile in conflict with law be released on bail and hence is ordered to 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, Gopalganj/concerned court, in connection with JE No. 398 of 2024 arising out of Gopalganj P.S. Case No. 584 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 giving undertaking that he/she shall keep proper care and upkeep of the appellant.
- (ii) The petitioner shall remain present before the Board on each and every date of trial of the case fixed by the Board and shall fully co-operate in the pending enquiry/trial.

11. Accordingly, the judgment dated 07.01.2025 passed by learned Additional Sessions Judge-1st Gopalganj and order dated 23.10.2024 passed by the learned Juvenile Justice Board, Gopalganj are set aside and present revision petition is 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	10.02.2026
Transmission Date	10.02.2026

