

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.259 of 2026

Arising Out of PS. Case No.-245 Year-2025 Thana- LAHERIYASARAI District- Darbhanga

X Sri Arvind Kumar Yadav Resident of Village of Barsam, P.S. - Rudhpur,
District - Madhubani, Bihar. Through his Father Arvind Kumar Yadav S/o
Ramsundar Yadav R/o Village - Barsram, P.S. - Rudhpur, Dist. - Madhubani,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Adv

For the Respondent/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 11-06-2026

Heard the parties.

2. The present application is being preferred against the order dated 24.01.2026 passed by learned District and Addl. Sessions Judge 1st, Darbhanga in connection with Cr. Appeal No. 23 of 2025, Laherisarai P.S. Case No. 245 of 2025 for the offences punishable under Sections 103(1) and 3(5) of BNS by which the learned Court has refused to enlarge the petitioner/revisionist on bail.

3. The Child in conflict with law (for short 'CICL')/petitioner, aged about 17 years and 6 months on the alleged date of occurrence, is named in F.I.R. and is in observation home since 12.04.2025.



4. As per FIR, petitioner along with other co-accused persons assaulted the deceased, as a result of which he became unconscious and subsequently died.

5. Learned counsel appearing on behalf of the CICL/petitioner submitted that allegation against petitioner/CICL is very much general and omnibus in nature and other co-accused persons facing similar allegation were granted bail namely Dipak Kumar through Cr. Misc. No. 31398 of 2026 dated 08.05.2026, Samresh Kumar through Cr. Misc. No. 83640 of 2025 dated 25.03.2026, Pankaj Kumar through Cr. Misc. No. 26186 of 2026 dated 22.04.2026 and Nitish Kumar and Deepak Yadav through Cr. Misc. No. 83714 of 2025 & Cr. Misc. No. 3312 of 2026 dated 23.02.2026. It is further pointed out that through Social Investigation Report of petitioner/revisionist, which is already mentioned in impugned judgment itself, it nowhere reveals that CICL may not improve him in future as to join the main stream of civilized society, therefore, there is no harm to release the juvenile under the supervision and care of his mother, who is ready to extend his care and love to



the petitioner.

6. Learned APP opposed the prayer for bail.

7. Having regard to the submissions and materials showing that the CICL/petitioner has been adjudged juvenile aged about 17 years and 6 months on the alleged date of occurrence, and also as CICL/petitioner has remained in the Observation Home since 12.04.2025 and his mother is ready to stand as a surety and furnish an undertaking that if released on bail he will take care of the CICL/petitioner and shall ensure that he does not fall in bad company and, in case, the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station as also following the spirit of section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in view of the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar** reported in **2019 (4) PLJR 833** that classification of the offences under the bailable and non-bailable sections would not be relevant for the purpose of grant of bail to a juvenile and the prayer for bail of a juvenile may be rejected



only under one of the three conditions, which are as under:-

- “(i) The release is likely to bring that person into association with any known criminal;
- (ii) The release is likely to expose the said person to moral or physiological danger; and
- (iii) The release would defeat the ends of justice.”

8. Having regard to the submissions made by the parties and taking into consideration the materials on record as well as the period of incarceration of the petitioner/CICL and in the best interest of CICL, this Court is of the considered view that the impugned order passed by the court below is not in consonance with the aims and objectives of the Act. Even social investigation report suggests scope of reform and nothing adverse was noticed against him.

9. In view of the aforesaid facts and circumstances, as petitioner/CICL is prima-facie facing general and omnibus allegation, coupled with the fact as similarly situated co-accused persons have already granted bail by different learned Co-ordinate Benches of this court, where Social Investigation Report (SIR) nowhere suggests that CICL/petitioner cannot be reformed in future as to join the main stream of society, accordingly, the order dated



24.01.2026 passed by learned District and Addl. Sessions Judge 1st Darbhanga, in connection with Laherisarai P.S. Case No. 245 of 2025 is hereby set aside.

10.The criminal revision application stands allowed.

11. Let the CICL-petitioner, named-above, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand only) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge 1st Darbhanga, in connection with Laherisarai P.S. Case No. 245 of 2025 on the following conditions:-

- (i) That one of the sureties should be the mother of the CICL/petitioner; and
- (ii) That the father of the CICL/petitioner shall file an affidavit before the learned Juvenile Justice Board, Patna, giving specific undertaking that after release of the CICL/petitioner on bail, he will take proper care of the petitioner and will not allow him to fall into bad company.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	11.06.2026
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