IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1514 of 2026

CNR No. BRHC010382842026

Arising Out of PS. Case No.-441 Year-2021 Thana- CHHATAUNI District- East Champaran

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CICL X

... ... Appellant/s

Versus

1. The State of Bihar
2. XX

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Sanjay Kumar Tiwari, Advocate
Mr. Mohan Kumar Tiwari, Advocate
Mr. Ujjwal Kumar, Advocate
For the State : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 27-10-2026

Introduction

The present appeal has been preferred by the Appellant against the impugned order dated 30.01.2026, passed by learned District and Additional Sessions Judge-I, Motihari, East Champaran, in Children Trial No. 20 of 2025, arising out of Chhatauni P.S. Case No.441 of 2021, registered for the offences punishable under Section 302 of the Indian Penal Code, whereby learned Children Court has rejected the regular bail application of the Appellant holding that release of the appellant on bail may bring him in bad association and may also expose him to moral and psychological danger, and it may also defeat

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the ends of justice.

Prosecution Case

2. The prosecution case, as per the written report, is that the 17 year old daughter of the informant, who is victim of this case, was in love affair with the appellant, because he was her neighbor and used to visit her house off and on. When the informant-mother came to know about the love affair between the appellant and her deceased daughter about one month ago, she counselled her daughter as well as the appellant and his parents against the love affair. However, her counselling failed on deaf ears and the appellant used to say that the deceased is his and he would never allow her to be wife of anybody else. Therefore, the informant-mother started not allowing her daughter to go anywhere alone for fear of any untoward incident. However, on 23.11.2021 at about 07:30 PM, her victim daughter went to a shop for purchasing tea leaf and when she came back to home after taking it, she informed her elder sister (elder daughter of the informant) that the appellant had advised her to flee away with him from home, and hence, she left her home at 08:00 PM. When she did not return despite a long time, the informant and her family members starting searching her. On inquiry by the informant, the appellant told her that he had

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no information about her whereabouts. At 09:30 PM, in course of search, the informant found the dead body of her daughter lying with scarf around her neck in half constructed house of Nageshwar Sharma and when she was taken to hospital, she was declared dead. The informant has expressed doubt in her written statement that the appellant has strangulated her daughter to death.

3. Heard learned counsel for the Appellant and learned APP for the State.

Submissions on behalf of the appellant

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the whole case against the appellant is based only on suspicion and even as per the FIR and charge-sheet, there is no eye-witness to the alleged occurrence.

5. He further submits that the appellant was in intense love with the deceased and he could have never killed her. There is possibility of committing suicide by the victim, because the informant-mother was not allowing her to come out from her house and allowing her to marry the appellant. It is possible that in frustration, the deceased has committed suicide and to cover up this incident, the informant has kept the dead body of the

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deceased in the nearby half constructed house of Nageshwar Sharma with scarf around her neck to give the color of offence by someone else.

6. He also refers to the postmortem report, as per which the cause of death is stated to be asphyxia due to hanging, and it clearly shows that after hanging, the dead body of the victim has been kept at the place of recovery of her dead body, because at the place of recovery, the dead body was lying with scarf around her neck, and it was not found in the position of hanging. It clearly shows that the hanging has taken place somewhere else and the dead body of the victim has been kept at the place of recovery and the place of recovery is adjacent to the house of the informant.

7. He further submits that the impugned order is not sustainable in the eye of law in view of the fact that the grounds on which the regular bail application of the appellant has been rejected are not permissible under Section 12 of the J.J. Act. Learned Children Court has rejected the regular bail application of the appellant on the following grounds : (i) the release of the appellant may bring him in bad association, (ii) his release would expose him to moral and psychological danger, and (iii) his release would defeat the ends of justice. However, as per the

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facts and circumstances of the case and the Social Investigation Report, there is nothing on record to show that the appellant was in association with any known criminal gangs and hence, it would be erroneous to say that after release on bail, the appellant would come into association with known criminals.

8. He further submits that there is also nothing on record, particularly in Social Investigation Report, to suggest that the release of the appellant on bail would expose him to moral and psychological danger. As per the Social Investigation Report, the appellant has no criminal antecedent, nor has any of his family members, including his parents, any criminal history. The father of the appellant is a carpenter and his mother is a housewife. It also transpires from the Social Investigation Report that the appellant assists his father in carpentry work for livelihood of his family.

9. He further submits that it was erroneous to hold that release of the appellant on bail would defeat the ends of justice, because ends of justice under the J.J. Act has nothing to do with the heinous nature of the alleged offence. If the detention at Observation Home ensures better reformation and development of the appellant, it would be said that release of the appellant on bail would defeat the ends of justice. It also

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transpires from the Social Investigation Report that the appellant is assisting his father in carpentry work. As such, he would further learn carpentry work and make the carpentry as a source of livelihood.

10. He also submits that the appellant has been in observation home since 20.03.2025.

Submission on behalf of the State

11. However, learned APP for the State supports the impugned order submitting that there is no illegality or infirmity in the impugned order, whereby regular bail application of the appellant has been rejected. The appellant is an accused of a murder case which is a serious offence, and hence, he does not deserve bail.

Legal Provisions regarding Bail to Juveniles under the J. J. Act, 2015.

12. Before I consider the rival submission of the parties, it would be pertinent to refer to Section 12 of the Juvenile Justice (Care and Protection) Act, 2015, which deals with bail to the Juvenile. **Section 12 of the Act** reads as follows:-

> "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

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> 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:
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> 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 person's 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.
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> (2) When such person having been apprehended is not released on bail under subsection (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home [1][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."
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> (Emphasis Supplied)

13. From perusal of Section 12 of the J.J. Act, 2015, it clearly emerges that Section 12 of the Act overrides the bail provisions as contained in the Criminal Procedure Act, 1973 or any other law for time being in force. It further emerges that as per Section 12 of the Act, bail to the Juvenile is a rule and refusal of the same is an exception and Juvenile can be denied bail only on the following three grounds: (i) if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal, or, (ii) expose the said person to moral, physical or psychological

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danger, or, (iii) the person's release would defeat the ends of justice.

14. Hon’ble Apex Court in **Juvenile in Conflict with Law Vs. State of Rajasthan**, as reported in **2024 SCC OnLine SC 5297** has also held that juvenile in conflict with law has to be necessarily released on bail unless the proviso is applicable and there must be clear finding regarding the applicability of the proviso. The relevant part of judgment reads as follows:

> **"6.** From the phraseology used in sub-section 1 of Section 12, a juvenile in conflict with law has to be necessarily released on bail with or without surety or placed under supervision of a probation officer or under the care of any fit person unless proviso is applicable.
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> **7.**We have perused all the orders passed earlier by the JJ Board, Special Court and High Court and specially the order dated 11th December, 2023 passed by the JJ Board. There is no finding recorded that the proviso to sub-Section 1 of Section 12 is applicable to the facts of the case. Without recording the said finding, bail could not have been denied to juvenile in conflict with law.
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> .....
>
> **9.**Though none of the courts at no stage have recorded a finding that in the facts of the case, the proviso to sub-Section 1 of Section 12 was applicable, the juvenile in conflict with law has been denied bail for last one year.
>
> **10.**Hence, the impugned orders are set aside. The appeal is accordingly allowed.
>
> **11.**We direct that the juvenile in conflict with law shall be released on bail without surety. However, the jurisdictional Juvenile Justice Board shall issue appropriate directions to the jurisdictional Probation Officer to keep the juvenile under supervision and to submit periodical reports to the Board about the conduct of the Juvenile."
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> (Emphasis supplied)

15. In **Re-Exploitation of Children in Orphanages**

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in the State of T.N. Vs. Union of Indian and Ors. as reported in **(2020) 14 SCC 327**, **Hon'ble Supreme Court** has held that bail to a juvenile can be denied only on three grounds as provided in the Proviso to Section 12(1) of the J.J. Act, 2015. The relevant part of the judgment reads as follows:

> "7. Sub-section (1) makes it absolutely clear that a child alleged to be in conflict with law should 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. The only embargo created is that in case the release of the child is likely to bring him into association with known criminals or expose the child to moral, physical or psychological danger or where the release of the child would defeat the ends of justice, then bail can be denied for reasons to be recorded in writing. Even if bail is not granted, the child cannot be kept in jail or police lock-up and has to be kept in an observation home or place of safety."
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> (Emphasis supplied)

16. The **High Court of Bombay in XYZ v. State of Maharashtra**, as reported in **2023 SCC OnLine Bom 2790** has held that grounds for denial of bail must be based on material. The relevant part of judgment reads as follows:

> **"6.**The mandate of the aforesaid provisions requires that the CCL alleged to have committed a bailable or non bailable offence and apprehended, shall be release on bail with or without surety. The proviso to Section 12(1) puts an exception, where there are reasonable grounds to believe that the release of CCL is likely to bring him into the association with any known criminal or exposed him to moral, physical or sociological danger or his release would defeat the ends of justice. It is therefore, evident that the denial of bail to the CCL shall be for specific reasons akin to above proviso.
>
> ……...
>
> **9.** There is nothing on record to indicate that the CCL is likely to come in association with the known criminals or get exposed to moral, physical or sociological danger or his release would defeat the ends of justice. In the wake of

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> aforesaid circumstances the case is made out to allow this Revision Application and to release the CCL on bail by setting aside the impugned order passed by the Sessions Judge, Beed. Hence following order:"
>
> (Emphasis supplied)

17. It also emerges that seriousness of the alleged offence or the age of the juvenile are also no relevant considerations for denial of bail under Section 12 of the J. J. Act. Even the child who is 16 years or above 16 years of age and is alleged to have committed a heinous offence is also entitled to get bail under Section 12 of the Act, 2015. There is no classification, whatsoever, provided in Section 12 of the Act, 2015 in regard to grant of bail. Section 12 is applicable to all juveniles in conflict with law without any discrimination of any nature. (Also refer to **Lalu Kumar @ Lal Babu Vs. State of Bihar, 2019 (6) BLJ 2016**).

18. Karnataka High Court in **XXX (accused before the J.J. Board) Vs. State and Others** as reported in **MANU/KA/3957/2024** has also held that Section 12 of the J.J. Act, 2015 is applicable even to a juvenile who is being tried as adult by Children Court and bail to him can be denied only on the grounds as provided in the Proviso to Section 12(1) of the J.J. Act, 2015. The relevant part of judgment reads as follows:

> "9. Section 12(1) of the Act provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973, or any other law for the time being in force, a child,

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> who is produced before the Board, shall be released on bail subject to proviso to Section 12(1) of the Act of 2015. Therefore, it is very clear that even if the child is ordered to be tried as a adult, as provided under Section 18(3) of the Act of 2015, for the purpose of his bail application, Section 12 of the Act of 2015 would be applicable and his bail application cannot be considered under the provisions of Code of Criminal Procedure. As is evident from Section 12 of the Act of 2015, the only embargo in not releasing a child on bail is that there appears a reasonable ground that his release is likely to bring him into any association with any known criminal or expose him to moral, physical or psychological danger or that release of such a person would defeat the ends of justice. The three disentitlement categories contemplated in the proviso to Section 12(1) of the Act of 2015, would not come in the way of the petitioner's application being considered under Section 12 of the Act of 2015 for the following reasons:-
>
> (a) The nature of crime committed by the petitioner is not likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger; (b) There is no such report available on record which suggests that the petitioner is likely to be exposed to moral, physical and psychological danger; (c) The victim girl and her parents do not apprehend any danger from the petitioner and they have appeared before the Special Court and stated that they have no objection for enlarging the petitioner on bail."
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> (Emphasis supplied)

19. **Allahabad High Court** in **Radhika (Juvenile) Vs. State of U.P.,** as reported in **2019 SCC OnLine All 4911** has also held that under Section 12 of the J.J. Act, 2015, nature and character of the alleged crime is not a relevant consideration and bail can be denied to a juvenile only on the grounds as provided in the Proviso to Section 12 of the J.J. Act, 2015. The relevant part of judgment reads as follows:

> **"27.**It is explicit from the plain reading of Section 12 of the Act that irrespective of nature and character of the crime, if a ‘child’ brought by the police or appears before the Board, such child shall, notwithstanding anything contained in

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> Code of Criminal Procedure, 1973 or any other law enforced in time, “shall’ be released on bail with or without surety under the supervision of Probation Officer or under the care of any fit person. The word “fit person’ is defined under section 2(28) of the Act, means any person prepared to owe responsibility of a child for a specific purpose and after making due enquiry in this behalf, the Board may give the custody of child in the hand of “fit person’. Thus, it is clear that the child delinquent has got a right to be released on bail with or without surety and the gravity, nature and depth of the offence shall not come into the way.
>
> **28.** However, in the proviso of Section 12(1) of the Act, there are three embargoes/riders; namely; (a) if there appears reasonable ground for believing that the release is likely to bring that person into association with any known criminal or; (b) expose that person as moral, physical or psychological danger or; (c) the person's release would defeat the ends of justice, the Board shall record the reasons for denying the bail and circumstances lead to such a decision.
>
> **29.** From the plain reading of the above proviso, it has been clearly borne out that (1) the juvenile delinquent has got unqualified right to seek bail irrespective of the gravity, depth and seriousness of the offence; (2) his bail could be denied strictly on the three grounds, as mentioned under the proviso of Section 12 of the Act by the Board”.
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> (Emphasis supplied)

20. Punjab and Haryana High Court has also held in **Vishvas vs. State of Punjab** as reported in **MANU/PH/0067/2021** that under Section 12 of J.J. Act, 2015, the nature and gravity of the alleged offence is not relevant while considering bail application to a juvenile. Bail can be denied to a juvenile under Section 12 of the J.J. Act, 2015 only on the grounds as provided in the proviso to Section 12(1) of the J.J. Act and there must be material on record in support of the grounds. It has also held that ‘**ends of justice being defeated**’ has to be considered in the context of the welfare of the

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juvenile. The relevant part of judgment reads as follows:

"7. From a bare reading of the provisions of Section 12 of the J.J. Act, it appears that the intention of the legislature is to grant bail to the juvenile irrespective of the nature or gravity of the offence alleged to have been committed by him, and bail can be declined only in such cases where reasonable grounds are there for believing that the release is likely to bring the juvenile into association of any known criminal or expose him to moral, physical or psychological danger, or that his release would defeat the ends of justice. Meaning thereby, as per aforesaid provision, a juvenile can be denied the concession of bail, if any of the three contingencies specified under Section 12(1) of the J.J. Act is available. Similar view was observed in cases Manoj Singh vs. State of Rajasthan 2004(2) RCC 995, Lal Chand v. State of Rajasthan MANU/RH/1042/2005 : 2006(1) RCC 167, Prakash v. State of Rajasthan MANU/RH/0549/2005 : 2006(2) RCR (Criminal) 530 and Udaibhan Singh alias Bablu Singh v. State of Rajasthan MANU/RH/1038/2005 : 2005(4) Crimes 649.

8. Learned counsel for the respondent-State has also not pointed out any material available on record to show that there are reasonable grounds for believing that the petitioner is likely to come into the association of any known criminal if released on bail, or his release will expose him to moral, physical or psychological danger. The order passed is mechanical and without adhering to the provisions of Section 12(1) of the J.J. Act, which specifies that 'the Board shall record the reasons for denying the bail and circumstances that led to such a decision.'

……...

12. The Supreme Court and various High Courts, time and again have reiterated the well settled position of law, that gravity of offence is immaterial in deciding the bail application. Bail of a child in conflict with law cannot be rejected in a routine manner and if the bail is declined, a reasoned order has to be given by the Board. A juvenile has to be released on bail mandatorily unless and until the exceptions carved out in proviso to Section 12(1) of the J.J. Act, 2015 itself are made out. The exceptions are noted being:-

a) a reasonable ground for believing that the release is likely to bring the juvenile into association with any known criminal;

b) his release is likely to expose him to any moral, physical or psychological danger; and

c) his release would defeat the ends of justice.

.....

14. The third exception namely 'ends of justice being defeated' has to be considered in the context of the welfare

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> of the juvenile, as has been held by the Delhi High Court in Master Abhishek (Minor) Vs. State (Delhi) MANU/DE/0445/2005 : 2005 VI AD Delhi 18.
>
> (Emphasis supplied)

21. Similar view has been taken by **Rajasthan High Court** in **Gau v. State of Rajasthan, 2025** as reported in **SCC OnLine Raj 2526.** The relevant part of the judgment reads as follows :

> **"7.**The language of Section 12 of the Act of 2015 conveys the intention of the Legislature to grant bail to the juvenile, irrespective of nature or gravity of the offence, alleged to have been committed by him and bail can be denied only in the case where there appears reasonable grounds for believing that the 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 ends of justice.
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> (Emphasis supplied)

22. Here, it would be also pertinent to point out that the ends of justice as used in the proviso to Section 12(1) of the J.J. Act is drastically different to one as used in the context of penal statutes. The ends of justice in the context of any Act is ascertained on the basis of the purpose and object of that Act and the objective of the J.J. Act is to reform and rehabilitate the juveniles and not to punish them, as emerges from the preamble to the J.J. Act, which reads as follows:

> "An Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established,

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hereinunder and for matters connected therewith or incidental thereto."

(Emphasis Supplied)

23. The purpose and object of the J.J. Act manifests in Section 3 also of the J.J. Act, providing for general principles to be followed in the administration of the Act. Section 3 of the Act reads as follows:

> **"3. General principles to be followed in administration of Act.** The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—
> ……...
> (iv) Principle of best interest: 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.
> ……
> (vi) Principle of safety: All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.
> (vii) Positive measures: All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.
> (viii) Principle of non-stigmatising semantics: Adversarial or accusatory words are not to be used in the processes pertaining to a child."
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> (Emphasis supplied)

24. High Court of Uttaranchal in **X (Juvenile in conflict with law) Vs. State of Uttarakhand,** as reported in **2025 SCC OnLine Utt 157** has also held that the Juvenile Justice Act is child friendly and all decisions regarding the child under the Act should be based on primary consideration of the

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best interest of the child. It has been also held that any juvenile in conflict with law is entitled to get released on bail irrespective of nature of the offence. Bail could be denied to him only on the grounds as provided in the proviso to Section 12 (1) of the J.J. Act., 2015. The relevant part of judgment reads as follows:

> **8.** For a child in conflict with law, every offence is bailable. The CIL is entitled to be released on bail as per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 ("the Act"), irrespective of the offence having been classified bailable or non bailable. The only rider is the proviso to Section 12 of the Juvenile Justice Act. The child may not be released on bail, if there are grounds to believe 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 release of the person would defeat the ends of justice.
>
> **9.** The JJ Act is, in fact, child friendly. The central theme is that the child interest is supreme. Section 3 of the JJ Act 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 sub section (v) speaks of primary responsibility. According to it, "the primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be".
>
> .....
>
> **12.**Nothing has been shown that if released the CIL would come into contact with any known criminal or expose him to moral, physical or psychological danger or his release would defeat the ends of justice.
>
> (Emphasis supplied)

25. The J.J. Act is based on the belief that children are the future of the society and in case they go into conflict with law under some circumstances, they should be reformed and

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rehabilitated and not punished. No society can afford to punish its children. Punitive approach towards children in conflict with law would be self-destructive for the society.

26. As such, if the keeping of the child in custody is helpful in his development and rehabilitation or protection, only then it could be said that release of the child would defeat the ends of justice. (Also refer to **Abhishek Vs. State, 205 CriLJ (NOC) 115 (Delhi)** and **Manoj Vs. State (NCT of Delhi, 2006 CriLJ 4759**).

27. It also emerges from Section 3 of the Act that Reformatory or Observation Home is only one of the measures contemplated by our legislature for reforming and rehabilitating the delinquent children. However, the family of the child in conflict with law has been considered by the legislature as the best and first desirable institution to achieve the object of the Act. Hence, the primary responsibility of care and protection of the child has been given to the biological family or adoptive or foster parents of the child and it has been contemplated that every child in conflict with law has right to be reunited with his family at the earliest. Institutionalization of a juvenile in conflict with law has been contemplated as the last resort. Such principles manifest in clauses v, xii and xiii of Section 3 of the

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Act which read as follows:

> "**3. General principles to be followed in administration of Act.** The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—
> ……...
> (v) Principle of family responsibility: The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.
> …….
> (xii) Principle of institutionalisation as a measure of last resort: A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.
> (xiii) Principle of repatriation and restoration: 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."
>
> (Emphasis Supplied)

28. Hence, under the J.J. Act, 2015, a child in conflict with law is not expected to be treated as an adult offender. J.J. Boards/Courts are required to adopt fundamentally a different approach while dealing with juveniles in conflict with law. They are expected to deal with such juveniles with all sensibility and responsibility, keeping in mind the purpose and object of the J.J. Act to reform and rehabilitate the child, so as to make him a responsible and productive member of the society. The society would get ruined if such children are dealt with punitive approach.

29. Similar view has been taken by this Court in the following judgments :

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(i) **Biswajit Kr. Pandey @ Lalu Kr. V. State of Bihar**
2024 SCC OnLine Pat 8499
(ii) **Nitish Kumar Vs. State of Bihar**
2025 SCC OnLine Pat 2421
(iii) **Chandan Kr. Paswan Vs. State of Bihar**
2025 SCC OnLine Pat 2434
(iv) **Rakesh Rai Vs. State of Bihar**
2025 SCC Online Pat 374
(v) **Avnish Kumar Vs. State of Bihar and Anr.**
2025 SCC OnLine Pat 2529.

Summary of the legal Provisions

30. Hence, it is clearly found that notwithstanding anything contained in the code of criminal procedure or any other law for time being in force, bail to a juvenile in conflict with law is governed by Section 12 of the J.J. Act, 2015.

30(1). Section 12 of the J.J. Act is equally applicable to all juveniles in conflict with law without any discrimination of any nature. Even a juvenile, aged between 16 to 18 years and being accused of heinous offence and being tried by Children Court, is entitled to get bail under Section 12 of the J.J. Act.

30(2). The nature and seriousness of the alleged offence is not relevant for consideration of bail under Section 12 of the J.J. Act.

30(3). "The ends of justice" as used in the proviso to Section 12(1) of the J.J. Act is drastically different to one as used in general criminal jurisprudence. If the detention of the

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juvenile at Observation Home or other institutions as contemplated under the J.J. Act is helpful in protection, development and rehabilitation of the juvenile, only then it can be said that release of the child would defeat the ends of justice.

30(4). The family of the child in conflict with law is the best and first desirable institution to achieve the object of the J.J.Act. Institutionalization of a juvenile in conflict with law is the last resort and every child in conflict with law has right to be reunited with his family at the earliest.

30(5). Under Section 12 of the J.J. Act, 2015, bail to a juvenile is a rule and the refusal of the same is an exception and it can be denied only on the grounds as provided in the proviso to Section 12(1) of the J.J. Act, 2015.

30(6). The denial of bail must be reasoned and the grounds of denial must be based on relevant facts and circumstances, as emerging from the material on record. Social Investigation Report is one of the most important such material. Perusal of such report is mandatory as per Section 15 (2) of the J.J. Act, 2015. The Board/Court is required to know not only about the offence committed by the juvenile but even about the socio-economic conditions/circumstances under which the offence was committed, so that, appropriate order in regard to

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the juvenile in conflict with law could be passed with intent to reform and rehabilitate the juvenile and reintegrate him with the mainstream of the society.

30(7). All resources have to be mobilized including those of the family and the community for reforming and rehabilitating the juvenile in conflict with law to make him productive member of the society. (Refer to Section 3 (vii) of the J.J. Act, 2015.)

Present Case - Consideration

31. Coming to the case on hand, I find that as per allegation, the appellant is suspected to have committed murder of 17 year old daughter of the informant. However, there is nothing on record, even after investigation, to show that it is the appellant who has committed offence of murder. The allegation, as transpires from the written report, shows that the appellant was in intense love with the deceased and he wanted to marry her. However, the informant-mother was not in favour of the love affair between the appellant and her daughter, and hence, she was not allowing her daughter to go outside her home after knowing about the love affair between them.

32. I further find that the possibility of committing suicide by the victim due to frustration cannot be ruled out. It is

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also possible that after suicide by the deceased, the informant-mother has kept the dead body of her daughter in the adjacent half constructed house to cover up the incident of suicide, because at the place of recovery, the dead body was not found in the position of hanging. It was lying with scarf around her neck.

33. I further find that the grounds, as stated by learned Children Court, to reject the regular bail application of the appellant under Section 12 of the J.J. Act are not sustainable. There is nothing on record, including the Social Investigation Report, to show that release of the appellant on bail would bring him in association with known criminals or expose him to moral and psychological danger or defeat the ends of justice.

34. The meaning and mandate of ends of justice under the J.J. Act is different from one under the general criminal law. If the detention of the appellant at Observation Home can better ensure his reformation and development, only then it could be said that his release on bail would defeat the ends of justice. But in the case on hand, I find that the appellant belongs to a very poor family of carpenter, pursuing carpentry work as his profession and also assists his father in carpentry work for livelihood. Hence, it is possible that after release of the appellant on bail, he would join his father to pursue the

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carpentry work.

35. As such, I find that the impugned order is not sustainable in the eye of law.

36. Accordingly, the present appeal is allowed, setting aside the impugned order and directing the appellant to be released on bail, subject to furnishing the bail bond of Rs.10,000/- and undertaking by his father and mother by way of affidavit that they would keep vigil on the appellant regarding his habits and they would not allow the appellant to come in contact with any criminal persons and take care of the developmental needs of the appellant and the appellant would attend the Court as and when required or directed.

37. The Children Court Records be sent back to the Court concerned forthwith along with a copy of this judgment.

(Jitendra Kumar, J)

shoaib/-

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