IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1804 of 2026

CNR No. BRHC010472952026

Arising Out of PS. Case No.-71 Year-2024 Thana- NOWKOTHI GARHPURA District-Begusarai

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XX S/o Suresh Kumar Suman @ Suresh Sah R/o vill - Babhangama, ward no. 12, P.s.- Nawkothi, Distt.- Begusarai

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Rakesh Mohan Singh, Adv.
For the Respondent/s : Ms. Abha Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 18-11-2026 1. Heard the learned counsel for the appellant and the learned APP for the State Ms. Abha Singh.

2. This is an appeal under Section 101 (5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the "J.J. Act") against the refusal of order dated 02.04.2026 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge NDPS Act & P.O. of Children Court, Begusarai in J.J.C.P. Case No.03 of 2025, arising out of Nawkothi P.S. Case No.71 of 2024 dated 03.05.2024, registered under Sections 302, 364, 201, 120(b) and 34 of the Indian Penal Code.

3. Learned counsel for the appellant at the outset

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submits that before making his submission on merits it is pertinent to submit that Section 12 of the J.J. Act provides for grant of bail to the accused irrespective of the fact whether the crime alleged is bailable or non-bailable or even heinous, it is next submitted that there are only three exceptions to the grant of bail i.e. -

(i) if there appears reasonable grounds for believing that the release is likely to bring the accused into association with any known criminal;

(ii) if it exposes them to moral, physical or psychological danger and

(iii) if the release defeats the ends of justice.

It is submitted that the Board is required to record reasons for denying the bail and the circumstances that led to such a decision. It is further submitted that mere gravity of the offence by itself is not a sufficient ground to refuse bail, it must also be demonstrated that detention is necessary for the child rehabilitation, protection or to prevent interference with judicial process. The statutory presumption is in favour of bail and the same can be rebutted only if compelling reason exists. It is further submitted that Section 12 of the J.J. Act applies to all juvenile in conflict with law without any discrimination of any

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nature, the family is considered the best and most desirable place for ensuring the welfare and rehabilitation of the child. It is further submitted that J.J. Act prioritises the welfare and rehabilitation of the child over retributive concern, the Act emphasises that bail for a child must be assessed within the protective and reformative object rather than through an adversial lens.

4. Though the appellant has given full description in the appeal, it would be appropriate to disclose his identity in view of the statutory provision prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the appellant is being referred in the cause list as ‘XX’.

5. The Registry while uploading the order on the website shall ensure that the cause title is reflected in similar manner.

6. Learned counsel appearing on behalf of the appellant submits that the instant criminal appeal has been preferred by the appellant against the order dated 02.04.2026 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge NDPS Act & P.O. of Children Court, Begusarai in J.J.C.P. Case No.03 of 2025, arising out of Nawkothi P.S. Case No.71 of 2024 dated 03.05.2024, whereby

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prayer of the appellant seeking regular bail has been rejected. It is next submitted that as per prosecution case, the son of the informant went to Pahsara crossing, when he did not return, his uncle Dilip Singh contacted him and the informant's son responded that he would return in 10-15 minutes, further within ½ an hour, his phone was found switched off.

7. Learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the present case. It is next submitted that appellant is not named in the FIR and during the course of investigation, police investigated the CDR and mobile number of the deceased i.e. 7619406442 and found that several calls came on the mobile phone of the deceased from mobile nos. 766304812 and 9771226174 and the said mobile was found to be registered in the name of the appellant, thus the appellant was arrested. It is next submitted that appellant was made to confess about his participation in the crime. It is also submitted that initially Nawkothi P.S. Case No.71 of 2024 was registered under Section 363 of the Indian Penal Code but later Sections 302, 364, 201, 120(b) read with Section 34 of the Indian Penal Code were also added. It is next submitted that appellant in his confessional statement also confessed that two other juveniles were also

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involved in the occurrence. It is next submitted that confessional statement in police custody does not have any evidentiary value. It is further submitted that accused whose name transpired in the confessional statement of the appellant have already been granted the privilege of regular bail by the then coordinate Bench of this Court. It is also submitted that the Social Investigation Report of the appellant conducted in terms of Section 15 of the J.J. Act also does not record any such remarks which should be considered adverse against the appellant. It is fairly submitted that the Social Investigation Report records that some persons of the locality did not have good words to say about the appellant but then name of those persons is not recorded in the Social Investigation Report. It is also submitted that the Hon'ble Division Bench of this Court in Lalu Kumar & Ors Vs. State of Bihar, 2019(4) PLJR 833 has held that seriousness and gravity of the offence alleged cannot be made a ground for rejecting bail under J.J. Act 2015. It is reiterated and submitted that Section 12 of the J.J. Act provides for grant of bail to the accused irrespective of whether the crime alleged is bailable, non-bailable or even heinous but then the said condition is subject to three exceptions as recorded hereinabove and the appellant does not fall in any of those exceptions.

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8. Learned APP opposes the appeal but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that confessional statement in police custody does not have any evidentiary value and the accused whose name transpired in his confessional statement have already been granted the privilege of regular bail.

9. At this stage, the learned counsel appearing on behalf of the appellant submits that even charges till date has not been framed and the appellant is in custody since 04.09.2024.

10. After hearing the learned counsel for the parties, the order dated 02.04.2026 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge NDPS Act & P.O. of Children Court, Begusarai in J.J.C.P. Case No.03 of 2025, arising out of Nawkothi P.S. Case No.71 of 2024 is set aside, the present Criminal Appeal is allowed.

11. Let the appellant be released in favour of his father on execution of bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-I-cum-Special Judge NDPS Act & P.O. of Children Court, Begusarai, subject to the following conditions:-

(I) father will furnish an undertaking that on release

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on bail, the appellant will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical or psychological danger and further that the father will ensure that the juvenile will not repeat the offence

(ii) father will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursue

(iii) the appellant will be produced as and when required by the J.J. Board and shall cooperate in the trial.

12. The criminal appeal is allowed.

(Satyavrat Verma, J)

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