

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.541 of 2025

Arising Out of PS. Case No.-284 Year-2024 Thana- GARKHA District- Saran

XXXXX

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shashi Ranjan S/o Manoj Singh R/o Village - Mura, P.S - Garkha, District - Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Alok Kumar Alok, Advocate
For the State	:	Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 09-02-2026

Heard learned counsel for the petitioner and learned APP for the State. However, there is no representation on behalf of opposite party no. 2 despite valid service of notice.

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



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

4. The instant revision petition has been filed for setting aside the Judgment dated 21.02.2025 passed by the learned Ist Additional Sessions Judge -cum- Children Court, Saran at Chapra in Criminal (Juvenile) Appeal No. 16 of 2024 whereby and whereunder the learned Children Court dismissed the appeal of the petitioner and also to set aside the order dated 30.10.2024 passed by the Juvenile Justice Board, Saran at Chapra rejecting the prayer of the petitioner for bail in connection with Juvenile Enquiry No. 1070 of 2024, arising out of Garkha P.S. Case No. 284 of 2024 for the offences under Section 302 of the Indian Penal Code. The petitioner approached this Court impugning the aforesaid two orders.

5. Briefly stated, facts of the case are that Garkha P.S. Case No. 284 of 2024 has been registered under Section 392 of the Indian Penal Code on the basis of written report of informant Shashi Ranjan. In the written report, the informant stated that while he has been returning home with Rs.4,10,000/- in course of his business of consumer service, three miscreants on a bike assaulted him on gunpoint and snatched bag



containing the cash, mobile phone and key of his shop and fled away from the spot. The name of the petitioner transpired during investigation for being in the said occurrence. After assessment of the age, the petitioner was declared to be a juvenile in conflict with law (in short 'CICL').

6. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The prayer for bail of CICL has been rejected by the learned subordinate courts on wrong appreciation of facts and circumstances without considering the provisions of the Juvenile Justice (Care and Protection of Children) Act. The learned subordinate courts did not consider the fact except for confessional statement before the police, there was no material against the CICL and the confessional statement of the CICL has been recorded under duress. Nothing incriminating has been recovered from the person or possession of the CICL. Learned counsel further submits that the learned Juvenile Justice Board has not considered the statutory provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act. Learned counsel further submits that the bail should not have been granted on the ground that the CICL has criminal antecedent of two cases, he is school dropout and there is parental negligence. But every child



should be given opportunity to reform his life and the of the CICL who is deponent before this Court undertakes to take proper care of the petitioner after release on bail and shall not allow him to fall into bad company and would try to bring change in his behaviour, if required. The Courts below have not considered the fact that the petitioner has been deprived of care and protection of his family by placing him in custody. The social investigation report/social background report do not make out any case to keep the CICL in custody. For his proper physical and mental development, he needs to be enlarged on bail as his continuous custody would be detrimental to his mental and physical well being. There is no chance of CICL falling in bad company and he in custody since 13.08.2024.. Therefore the petitioner ought to have been released on bail after setting aside the impugned orders as both the Courts below passed erroneous orders.

7. Learned APP for the State oppose the submission made on behalf of the petitioner. Learned APP submits that the order of appellate court is quite detailed and the learned appellate court has considering the social investigation report and the social background report came to a conclusion that the grant of bail to CICL would expose him to moral, physical and



psychological danger and it will against his interest. It is further held that the grant of bail would also expose him to same friend circle and society under whose influence he entered into the crimes like robbery at gunpoint and thus it would defeat the ends of justice.

8. I have given my thoughtful consideration to the rival submission of the parties and perused the record. The fact which is to be considered for grant of bail to the CICL is his best interests and welfare which are the matter of paramount importance. Section 12 of the Juvenile Justice Act provides that a CICL could be denied bail only on the ground that on release, the said child would come in contact with criminal elements and there was danger to the moral, physical and psychological well being of the CICL or would defeat the ends of justice. If these grounds are not present, the bail could not be denied to a CICL.

9. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 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 available 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[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.”

10. Perusal of record shows in Social Investigation Report/Social Background Report, it has nowhere been mentioned about the child falling in company of bad element or coming to harm, mentally and physically and reasons for the same. Only a bland assertion has been made by the courts below for denial of bail to the CICL that the CICL has criminal antecedent of two cases. There is no other material on record to justify its reason. While considering the prayer for bail of CICL, the paramount consideration is to protect best interest of the child. Allowing the child to continue in incarceration would not be helpful in his reformation or rehabilitation. It has also come that the father of the petitioner has undertaken to provide guidance and also undertaken that he would not allow his child to come with the contact of known criminal of society.

11. Now at the same time, relevant provisions of Section 3 of the Juvenile Justice (Care and Protection of



Children) Act, 2015, inter alia, provides for the general principles of care and protection of children and are extracted herein below:-

“The Central Government, the State Governments, [the Board, the Committee, or] other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:---

(i) Principle of presumption of innocence: Any child shall be presumed to be an innocent of any mala fide or criminal intent up to the age of eighteen years.

(ii) Principle of dignity and worth: All human beings shall be treated with equal dignity and rights.

(iii) Principle of participation: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.

(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.

(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.

(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).....

(viii) Principle of non-stigmatising semantics: Adversarial or accusatory words are not to be used in the processes pertaining to a child.

(ix).....

(x).....

(xi).....

(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 reunited 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.

(xiv).....



(xv).....

(xvi).....”

12. If the child is allowed to continue in custody, it could not be said that his interest would be protected. Moreover, the father of the child in conflict with law is ready to take care of him and he is also ready to furnish undertaking in this regard. Hence, I am of the considered opinion that the child should be released on bail subject to certain conditions.

13. Considering the interest of the petitioner to be of paramount importance and further finding that keeping the child in observation home may not serve the purpose of his reformation and rehabilitation, this Court is of the view that for the best interest of the child, he could be released on bail on submission of affidavit of due undertaking by the father of the CICL for taking good care of the child in conflict with law and for protection, both physical and mental, of the child before the learned Juvenile Justice Board. In the light of discussion made hereinbefore, it is ordered that the CICL shall be released on bail, on furnishing bail bonds 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 Juvenile Enquiry No. 1070 of 2024, arising out of Garkha P.S. Case No. 284 of



2024, subject to the following conditions:

(i) The father of the child in conflict with law shall furnish an undertaking before the learned Juvenile Justice Board that they will take care of the child in conflict with law and will keep him in safe custody and produce him before the learned Juvenile Justice Board as and when required.

14. Accordingly, the judgment dated 21.02.2025 passed by learned Ist Additional Sessions Judge -cum- Children Court, Saran at Chapra and order dated 30.10.2024 passed by the learned Juvenile Justice Board, Saran at Chapra are set aside and the present revision petition is allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
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