

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.560 of 2025

Arising Out of PS. Case No.-150 Year-2024 Thana- AMNAUR District- Saran

XXXX

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Singh S/o- Madhusudan Singh R/v- Parshurampur Ps- Amnaur Dist- Saran at Chapra.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the OP-State	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 29-01-2026 Heard learned counsel for the petitioner and learned APP for the State. Despite service of notice upon opposite party no. 2, there is no representation on his behalf.

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 criminal revision petition has been filed for setting aside the judgment dated 02.05.2025 passed by the learned Additional Sessions Judge-cum-Special Judge (Children Court), Saran at Chapra in Criminal (Juvenile) Appeal No. 09 of 2024, whereby and whereunder the learned appellate court upheld the order dated 16.01.2025 passed by learned Juvenile Justice Board, Saran at Chapra in JJB Case No. 872 of 2024 arising out of Amnour P.S. Case No. 150 of 2024 registered under Sections 363 and 365 of the Indian Penal Code and subsequently added Sections 302, 120(B) and 201 of IPC, by which the prayer for grant of bail to the petitioner/child in conflict with law (for short 'CICL') has been refused.

5. The prosecution case, as per the First Information Report, is that on 16.05.2024, in the night, at about 9:30 pm, informant's son, Alok Kumar, and his friend Rishav Kapoor, came at the shop of the informant, took a bottle of cold drink, and wen on a motorcycle, but till late night, the informant's son did not return. During search, the informant went to the house of the co-accused Rishav Kapoor and asked about his son's whereabouts, upon which he told that he had dropped the deceased at Sultan Pitch on his saying and he did not know



anything about his whereabouts. During investigation, the dead body of the informant's son was found buried in an orchard. The name of the petitioner transpired during investigation for being involved in the alleged occurrence. The petitioner was declared Juvenile by the learned Juvenile Justice Board, Saran at Chapra and is taken in remand home since 31.08.2024. The CICL moved before the learned Juvenile Justice Board, Saran at Chapra for grant of bail but his prayer was rejected vide order dated 16.01.2025. The CICL preferred an appeal which also came to be dismissed vide judgment dated 02.05.2025 passed by the learned Additional Sessions Judge-I-cum Special Judge (Children's Court), Saran at Chapra. The CICL approached this Court against the aforesaid two orders.

6. Learned counsel for the petitioner submits that the petitioner is child in conflict with law and the FIR was registered against unknown and the name of the petitioner transpired in the confessional statement of co-accused persons, namely Rishav Kappor and Satyam Kumar Singh that the petitioner along with co-accused Mahi Singh strangulated the informant's son with the help of towel, due to which he died. Learned counsel further submits that the petitioner was declared Juvenile by the learned Juvenile Justice Board, Saran at Chapra,



after coming to the conclusion that the petitioner was minor at the time of alleged occurrence. Learned counsel further submits that the learned Juvenile Justice Board, Saran at Chapra as well as learned 1st Additional Sessions Judge-cum-Special Judge, Children Court, Saran, have rejected the prayer of the petitioner for bail on erroneous conclusion that there is a possibility that the petitioner will again come in association with known or unknown criminals, if released on bail and grant of bail to the petitioner may cause moral, physical and psychological danger to him. Learned counsel next submits that the learned 1st Additional Sessions Judge-cum-Special Judge, Children Court, Saran at Chapra did not consider the social investigation report of the CICL in correct legal perspective. Learned counsel further submits that the petitioner is not named in the FIR and his name has transpired in this case on the basis of confessional statement of co-accused persons and the petitioner is in remand home since 31.08.2024. Learned counsel further submits that the father of the petitioner, who is deponent in the present case, 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. Learned counsel further submits that keeping the petitioner in



observation home would not serve any useful purpose and would not help in his proper development considering his age and it is not in the best interest of the petitioner who is CICL. Learned counsel referred to the decision of this Court in the case of *Mahi Singh @ Yuwaraj Ranjan Vs. The State of Bihar and Anr (Criminal Revision No. 219 of 2025, decided on 20.06.2025)*, wherein in the similar circumstances, the prayer for bail of the co-accused child in conflict with law was allowed.

7. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that, however, from perusal of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'the Act'), it appears that bail is a matter of right to a child in conflict with law and denial is exception and in view of the fact that father has given an undertaking to reform her child, i.e., the petitioner, this Court may consider to pass appropriate order in the best interest of the child in conflict with law.

8. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

9. Section 12 of the Act 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 [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. The aforesaid provision makes it clear 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.

11. Now, at the same time, relevant portion 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

(vi)...

(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. Cumulative reading of these two provisions show the CICL shall be released on bail unless the fact comes on record that there was chance of such child coming in contact with a known criminal or enlarging such child on bail might endanger his moral, physical or psychological well being.



Further the courts being *parens patriae* are supposed to look into for protection of best interest of the child. All such steps are to be taken by the Courts for reformation and rehabilitation of a child in conflict with law.

13. In the facts of the present case, the alleged offence is serious but the bail to a child in conflict with law could be denied only under specific circumstances as mentioned hereinbefore. Otherwise the bail is a rule and jail is an exception in case of CICL as well. The CICL has remained in remand home since 31.08.2024 and perusal of the impugned orders show the bail was denied on the ground that the petitioner will again come in association with known or unknown criminals, if released on bail and grant of bail to the petitioner may cause moral, physical and psychological danger to him. Further from the record, I do not find any material to infer that the child would come in contact with some known criminal or if released, he will suffer mental, physical or psychological harm. For reformatory measures and rehabilitation and to protect the best interest of the child, the best place could be the house of the child. Therefore, the conclusions arrived at by the learned Juvenile Justice Board, Saran at Chapra as well as learned 1st Additional Sessions Judge-cum-Special Judge, Children Court,



Saran at Chapra are not sustainable in the given facts and circumstances of the case.

14. In the aforesaid facts and circumstances, I am of the considered opinion that the child in conflict with law could be released on bail. Let the petitioner, a child in conflict with law, shall be released on bail, on furnishing bail bond 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 Amnour P.S. Case No. 150 of 2024, subject to the following conditions:

- (i) One of the bailors shall be the father of the petitioner;
- (ii) The deponent/father of the child in conflict with law shall furnish an undertaking before the learned Juvenile Justice Board that he 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.

15. Accordingly, the revision petition is allowed and the judgment dated 02.05.2025 passed by the learned Additional Sessions Judge-cum-Special Judge (Children Court),



Saran at Chapra in Criminal (Juvenile) Appeal No. 09 of 2024, as well as order dated 16.01.2025 passed by learned Juvenile Justice Board, Saran at Chapra in JJB Case No. 872 of 2024 arising out of Amnour P.S. Case No. 150 of 2024, are hereby set aside.

(Arun Kumar Jha, J)

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