

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.645 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- RAJAPAKAR District- Vaishali

XXXX

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ratnesh Kumar S/o- Bhola Rai Village- Utari Gangajal Bakarpur Ps-
Rajapakar Dist- Vaishali

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the O.P.-State	:	Mr. Zainul Abedin, APP
For the O.P. No. 2	:	Mr. Satya Prakash Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

5 29-01-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no. 2.

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/Order dated 18.06.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Vaishali at Hajipur in Criminal Appeal No. 11 of 2025 whereby and whereunder the learned Special Judge (Children Court) dismissed the appeal of the petitioner and also to set aside the order dated 24.04.2025 passed by the Juvenile Justice Board, Vaishali at Hajipur rejecting the prayer of the petitioner for bail in connection with J.J.B. Case No. 44 of 2025 arising out of Rajapakar PS Case No. 39 of 2025 for the offences under Sections 115(2), 109, 303(2), 140(1), 3(5) of Bharatiya Nyaya Sanhita, 2023.

5. Briefly stated, facts of the case leading to the institution of the present petition are that the opposite party no. 2 lodged a case vide Rajapakar P.S. Case No. 39 of 2025 under Sections 115(2), 109, 303(2), 140(1), 3(5) alleging there in that in the night of 30.01.2025, the brother of the informant/opposite party no. 2, namely Gautam Kumar, received a telephone call from the petitioner. Subsequently, the petitioner arrived at the door of the informant, took his brother away on his motorcycle. After some time, the informant received a phone call from his brother that the petitioner was attempting to kill him and his



brother also told him that the petitioner along with other co-accused persons forcibly abducted him and took him to some other place and subjected him to severe physical assault. Due to this assault, brother of the informant sustained injuries and he was thrown out of the vehicle near six-lane highway at Kalyanpur where the informant and his family members found him unconscious. Thereafter, the informant's brother was admitted to CHC, Rajapakar and after that he was shifted to a private hospital. The petitioner was declared juvenile by the learned J.J. Board, Vaishali at Hajipur vide order dated 02.04.2025 as his age was 16 years and 10 months at the time of alleged occurrence. The petitioner/child in conflict with law (in short 'CICL') was taken in custody on 01.02.2025. The CICL moved before the learned Juvenile Justice Board, Vaishali at Hajipur for grant of bail but his prayer was rejected vide order dated 24.04.2025. The CICL preferred an appeal which also came to be dismissed vide order dated 18.06.2025 passed by the learned Additional Sessions Judge-I-cum Special Judge (Children's Court) Vaishali at Hajipur. The CICL approached this Court impugning the aforesaid two orders.

6. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner



is a student and his detention is affecting his studies and development. The petitioner was declared juvenile on 02.04.2025 by the JJB, Vaishali at Hajipur and the age of the petitioner was 16 years and 10 months on the date of occurrence and has got no criminal antecedent. Learned counsel further submits that the orders of the learned Courts below are bad in the eye of law as well as on facts. 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. 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. The social investigation report/social background report do not make out any case to keep the CICL in custody. The same report also mentions about his friendly nature and normal mental condition. Learned counsel further submits that both the courts below passed the orders without recording any reason that the release of the juvenile is likely to bring him into association with known criminals or expose him to any moral, physical or psychological danger. 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 is the first offender and is not having any criminal antecedent. 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 as well as learned counsel for the informant/opposite party no. 2 opposes the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the petitioner himself took away the brother of the informant and assaulted him along with other co-accused persons. Learned counsel further submits that the offence of the CICL is serious. Learned counsel further submits that in the social investigation report/social background report, it has also come that there was lack of interest in education and has failed in matriculation examination and there is lack of discipline in the family. If the CICL is enlarged on bail, there is possibility of his coming into association of band elements of society.

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

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 home¹ 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 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.

(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 custody since 01.02.2025 and perusal of the impugned orders show the bail was denied on the ground that release of the child in conflict with law would be against the best interest of the child and there is possibility of his coming into association of bad elements of society. Further, from the record as well as social investigation report/social background report of the CICL, 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, Vaishali at Hajipur as well as learned 1st Additional Sessions Judge-cum-Special Judge, Children Court, Vaishali at Hajipur 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, Vaishali at Hajipur/concerned court in connection with J.J.B. Case No. 44 of 2025 arising out of Rajapakar PS Case No. 39 of 2025, subject to the following conditions:

(i) One of the bailors will be the parents of the petitioner and other bailor will also be relative of the petitioner having no criminal antecedent and shall give undertaking that he/she shall keep proper care and upkeep of the petitioner.

(ii) The petitioner shall remain present before the Board on each and every date of trial of the case fixed by the Board.

15. Accordingly, the revision petition is allowed and



the judgment/order dated 18.06.2025 passed by the learned Additional Sessions Judge-cum-Special Judge (Children Court), Vaishali in Criminal (Juvenile) Appeal No. 11 of 2025, as well as order dated 24.04.2025 passed by learned Juvenile Justice Board, Vaishali at Hajipur in JJB Case No. 44 of 2025 arising out of Rajapakar PS Case No. 39 of 2025, are hereby set aside.

(Arun Kumar Jha, J)

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