

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.695 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- SONBERSA District- Sitamarhi

X1

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Paswan S/o Late Mishrilal Paswan R/o Bhutahi(Sonbarsa) Dist.- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the State	:	Mr.Binay Krishna, Spl. P.P.
For O.P. No. 2	:	Mr. Prem Kumar Paswan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 06-07-2026

Heard learned counsels for the parties.

02. From perusal of record, it transpires that in the revision petition, the identity details of the petitioner/child in conflict with law (for brevity “CICL”) is being disclosed, which is against the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short ‘the Act of 2015’), which mandates protection of disclosure of identity of the CICL. Therefore, the identity of the CICL is being referred to in the cause title as X1.

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



similar manner.

04. The instant criminal revision petition has been preferred by the petitioner under Section 102 of the Act of 2015 challenging the judgment dated 12.06.2025 passed in Criminal Appeal No. 13 of 2025 by the learned Additional Sessions Judge-I -cum- Children Court, Sitamarhi, whereby the order dated 30.04.2025 passed by the Juvenile Justice Board, Sitamarhi in J.J.B. Case No. 1989 of 2025 arising out of Sonbarsa P.S. Case No. 23 of 2025 has been affirmed and the appeal preferred by the petitioner has been dismissed.

05. The informant-opposite party no. 2 has instituted Sonbarsa P.S. Case No. 23 of 2025, dated 25.01.2025 registered for the offences under Section 96 BNS, Section 4/6 POCSO Act and Sections 3(1)(r)(s)/3(2) (va) of SC/ST (Prevention of Atrocities) Act. The informant alleged that the petitioner and other co-accused enticed away his daughter and also her friend with intention of marrying them. During investigation the petitioner was apprehended and put in custody on 31.01.2025.

06. During investigation the petitioner was apprehended and put in custody on 31.01.2025 and learned Juvenile Justice Board, Sitamarhi determined the age of the



petitioner to be 17 years 3 months 16 days on the date of occurrence and was declared juvenile/child in conflict with law (CICL) on 23.04.2025. The CICL filed a petition for grant of bail but vide order dated 30.04.2025 the learned Juvenile Justice Board rejected the prayer for bail made on behalf of CICL.

07. Against the rejection order passed by learned Juvenile Justice Board in J.J.B. No. 1989 of 2025, the CICL approached the court of learned Additional Sessions Judge-I -cum- Children Court, Sitamarhi in Criminal Appeal No. 13 of 2025 and the learned appellate court did not find any illegality in the impugned order and dismissed the appeal on merit vide its judgment dated 12.06.2025.

08. Being aggrieved by the order of learned appellate court, the CICL has filed the present revision petition seeking bail.

09. Learned counsel for the petitioner (CICL) submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the FIR has been lodged after delay of four days without any explanation. The victim girls have been recovered but they did not support the case and made the story of kidnapping false as has been brought on record through its report by the informant.



It is also not believable that the petitioner, all alone, kidnapped two girls of his age group. The learned courts below completely misjudged the situation and did not take note of love affair between the petitioner and the victim. The petitioner is nearly aged about 18 years and in the given background, the facts of the case ought to have been appreciated. Learned counsel also submits that the learned appellate court as well as learned Juvenile Justice Board recorded their observation that there was apprehension that the release of the petitioner would not be in the interest of the petitioner and would expose him to physical or psychological danger. There is no material on record to arrive at such finding. Learned counsel next submits that the nature and gravity of the offence is immaterial for grant of bail to a child in conflict with law as has been made clear by Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Learned counsel further submits that both the learned courts below have failed to appreciate the statutory provisions prescribed under the Act of 2015 and the ratio laid down by this Court in the case of ***Lalu Kumar & Ors. Vs. The State of Bihar & Ors***, reported in ***2019 (4) PLJR 833***. Learned counsel further submits that the parents of the petitioner are ready to take care of their child. The petitioner has got clean antecedent. The



petitioner is in custody since 31.01.2025.

10. Learned APP for the State as well as learned counsel for the informant/opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that there is very serious allegation against the petitioner for sexually assaulting the daughter of the informant. Learned counsel further submits the learned courts below recorded their finding that the release of the petitioner would expose him to physical and psychological danger and therefore, bail was denied to the petitioner and if the petitioner is released on bail, it would defeat the ends of justice.

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

12. Section 12 of the Act of 2015 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 or there was danger to the moral, physical and psychological well being of the CICL or the release would defeat the ends of justice. If these grounds are not present, the bail could not be denied to a CICL.

13. Further, the Act of 2015 is, in fact, child



friendly. The central theme is that the interest of child is supreme. Section 3 of the Act of 2015 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(iv) of the Act of 2015 provides for the principle of best interest and for 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. Section 3(xii) of the Act of 2015 makes it abundantly clear that a child shall be placed in institutional care as a step of last resort after making a reasonable inquiry. Further, Section 3(xiii) of the Act of 2015 provides for Principle of repatriation and restoration stating that a CICL shall have the right to reunite with his family and be restored to the social, cultural and the economic background that he came from unless such restoration and repartition is not in the CICL’s best interest.

14. Cumulative reading of aforesaid provisions show the CICL should 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



expose him to moral, physical or psychological danger. 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 CICL.

15. In the present case, the facts before the Juvenile Justice Board or learned appellate court did not show any imminent danger to the petitioner of moral, physical and psychological danger rather their appears lack of vision for arriving at aforementioned finding by the learned Juvenile Justice Board as well as learned appellate court. From the order of the learned appellate court, I hardly find any material to show that there is any basis before the learned appellate court to arrive at its finding that release of the petitioner would allow him to come in contact with his previous associates and his social, physical and psychological well being would come to any harm and the ends of justice would be defeated. Moreover, the purpose of the Act of 2015 is the reformation of the child and the institutionalization of a CICL is a matter of last resort and could not be resorted to thinking that such custody would be for betterment of the child and would psychologically make him a good citizen. This is possible only under the guardianship of the



parents and other family members. Further, the nature of offence cannot be made a ground to refuse bail to a CICL as held in case of *Lalu Kumar & Ors. (Supra)*.

16. Keeping these facts into mind, the orders impugned cannot be sustained.

17. Accordingly, the judgment dated 12.06.2025 passed in Criminal Appeal No. 13 of 2025 by the learned Additional Sessions Judge-I -cum- Children Court, Sitamarhi is set aside. Consequently, the order dated 30.04.2025 passed by the learned Juvenile Justice Board, Sitamarhi in J.J.B. Case No. 1989 of 2025 arising out of Sonbarsa P.S. Case No. 23 of 2025 rejecting the prayer for bail of the petitioner is also set aside.

18. The petitioner, a CICL, is directed to 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, Sitamarhi/concerned court in connection with J.J.B. Case No. 1989 of 2025 arising out of Sonbarsa P.S. Case No. 23 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.

19. The revision petition stands allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
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