

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.693 of 2025

Arising Out of PS. Case No.-804 Year-2024 Thana- SONEPUR District- Saran

XXXX

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Rai S/O Late Bahawan Rai R/o Vill-Sabalpur,Hasti Tola, P.S.- Sonpur,
Distt- Saran at Chapra

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar Yadav, Advocate
For the O.P.-State	:	Mr. Navin Kumar Pandey, APP
For the O.P. No. 2	:	Mr. Anant Kumar Bhashkar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no. 2.

2. Learned counsel for the petitioner, at the outset, submits that the name of the petitioner is Vinay Kumar but while entering the cause title, mistake was made by the office and the office wrongly entered the name of the petitioner as ‘Vijay Kumar’ and is still continuing the mistake and showing the name as ‘Vijay Kumar @ Vijay Kumar’. Learned counsel further submits that as objection has been raised by the office, the name Vijay Kumar was also added showing alias name as Vinay Kumar.

3. Office is directed to correct the name in cause title,



as I find from the petition that the petitioner has rightly mentioned the name of the petitioner as 'Vinay Kumar' and it was the fault of the office that name of petitioner as Vijay Kumar came to be inserted in the cause title.

4. Though, 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.

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

6. The instant revision petition has been filed for setting aside the Judgment/Order dated 10.06.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Saran at Chapra in Criminal Appeal No. 20 of 2025 whereby and whereunder the learned Special Judge (Children Court) dismissed the appeal of the petitioner affirming the order dated 19.03.2025 passed by the learned Juvenile



Justice, Board, Saran at Chapra and also to set aside the order dated 19.03.2025 passed by the Juvenile Justice Board, Saran at Chapra rejecting the prayer of the petitioner for bail in connection with J.J.B. Case No. 1067 of 2024 arising out of Sonpur PS Case No. 804 of 2024 for the offences under Section 137(2) of Bharatiya Nyaya Sanhita, 2023 and, later on, added Sections 103(1), 61(2), 111, 3(5) of BNS.

7. 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 Sonpur P.S. Case No. 804 of 2024 under Section 137(2) of Bharatiya Nyaya Sanhita, 2023, alleging there in that on 25.09.2024 at about 02:00 PM, the informant's son, Suraj Kumar, left his home after receiving a phone call, but he did not return. Later, at 9:00 PM, the complainant called him and talked to him, after which his mobile phone was switched off. During the call, the informant's son told him that he was near Mohammadpur and would return in an hour, but he did not come back. After searching, the informant found no information about his son's whereabouts. During investigation, the dead body of son of the informant was found near *Mahi* river. The name of the petitioner transpired during investigation in the confessional statement of co-accused Raja Kumar for being



involved in the murder of son of the informant along with other co-accused persons. Later on, vide order dated 30.09.2024, Sections 103(1), 61(2), 111, 3(5) of BNS were added. The petitioner was declared juvenile by the learned J.J. Board, Saran at Chapra vide order dated 29.01.2025 as his age was 17 years, 8 months and 26 days at the time of alleged occurrence. The petitioner/child in conflict with law (in short 'CICL') was taken in custody on 29.09.2024. The CICL moved before the learned Juvenile Justice Board, Saran at Chpara for grant of bail but his prayer was rejected vide order dated 19.03.2025. The CICL preferred an appeal which also came to be dismissed vide order dated 10.06.2025 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 judgments/orders.

8. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that while passing the orders, both the learned courts below acted in mechanical manner and have not taken into consideration the mandate of law. The name of the petitioner came in the confessional statement of the co-accused but no specific role has been



attributed to him. Learned counsel further submits that the petitioner is a student and works part time as tutor for his expenditure, as such, there is no reasonable ground for believing that his release is likely to bring him under the influence of any criminal or expose him to moral danger at his village. Both the learned courts below ought to have considered the facts that the petitioner was not named in the FIR and nothing incriminating has been recovered from his possession, so his freedom would not defeat the ends of justice. Learned counsel further submits that the parents of the petitioner undertakes to take proper care of the petitioner after release on bail and would not allow him to fall into bad company and would try to bring change in his behaviour, if required. 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. The petitioner is in custody since



29.09.2024. Therefore, the petitioner ought to have been released on bail after setting aside the impugned orders as both the Courts below passed erroneous orders.

9. 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 name of the petitioner transpired in the confessional statement of co-accused, Raja Kumar, who admitted that he along with petitioner and other co-accused persons committed murder of the son of the informant. Learned counsel further submits that social investigation report/social background report of the petitioner does not permit him to be enlarged on bail and grant of bail to the petitioner would be against the interest of the CICL.

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

11. 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.”

12. 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.

13. 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)..."

14. 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.

15. In the facts of the present case, it is apparent that 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 29.09.2024 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 apprehension that release of CICL is likely to bring him into association of any known or unknown criminals or expose him to moral, physical or psychological danger and his release would defeat the ends of justice. However, 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, 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.

16. 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 J.J.B. Case No. 1067 of 2024 arising out of Sonpur PS Case No. 804 of 2024, 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.

17. Accordingly, the revision petition is allowed and the judgment/order dated 10.06.2025 passed by the learned Additional Sessions Judge-cum-Special Judge (Children Court), Saran at Chapra in Criminal (Juvenile) Appeal No. 20 of 2025, as well as order dated 19.03.2025 passed by learned Juvenile Justice Board, Saran at Chapra in J.J.B. Case No. 1067 of 2024 arising out of Sonpur PS Case No. 804 of 2024, are hereby set aside.



18. Office is directed to return the lower court record
forthwith.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

