

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.771 of 2025**

Arising Out of PS. Case No.-80 Year-2024 Thana- Vasudevpur District- Munger

XXXX

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Sanju Devi W/o late Tarkeshwar Mandal, R/o- Village-Sherpur, District-Munger

... .. Opposite Party

Appearance :
For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 02-02-2026 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 07.07.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Munger in Criminal Appeal No. 06 of 2025 whereby and whereunder the order dated 30.05.2025 passed by the learned Court of Juvenile Justice Board, Munger in JJB Case No. 200 of 2024 arising out of Basudevpur P.S. Case No. 80 of 2024, rejecting the prayer of the petitioner for bail, has been affirmed against the petitioner/child in conflict with law (for short 'CICL')

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 Basudevpur P.S. Case No. 80 of 2024 under Sections 103(1)/3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, alleging there in that on 23.09.2024 at 09:00 PM, the petitioner came to the house of the informant and took away the son of the informant/opposite party no. 2 with him. After one hour, the informant heard gun shot sound and the villagers saw the petitioner lifting the informant's son. The villagers took the son of the informant to Sadar Hospital where during treatment, the informant's son died. The informant/opposite party no. 2 showed her suspicion that the



petitioner along with other co-accused persons were involved in the murder of her son. The petitioner/child in conflict with law (in short 'CICL') was taken in custody on 26.09.2024. The CICL moved before the learned Juvenile Justice Board, Munger for grant of bail but his prayer was rejected vide order dated 30.05.2025. The CICL preferred an appeal which also came to be dismissed vide order dated 07.07.2025 passed by the learned Additional Sessions Judge-I-cum Special Judge (Children's Court) Munger. 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 by the J.J. Board, Munger as the age of the petitioner was assessed to be 14 years 07 months and 03 days on the day 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 all the witnesses including the informant have



stated that the deceased and the CICL were best friends and as per testimonies, the CICL himself promptly took to the victim to the Sadar Hospital for treatment. Learned counsel further submits that the allegation itself against the petitioner is based on conjectures and surmises. 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 behaviour with neighbours and normal mental condition and has passed the class-X examination. 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 son of the opposite party no. 2 with him and committed crime with the help of 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 major issue was the CICL was in company of bad peer group. If the CICL is enlarged on bail, there is possibility of his coming into association of bad 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 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 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, 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 26.09.2024 and perusal of the impugned orders show the bail was denied on the ground that release of the child in conflict with law would expose him to physical and psychological danger as the atmosphere of his house is not conducive for his safety and well being. 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, Munger as well as learned 1st Additional Sessions Judge-cum-Special Judge, Children Court, Munger 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, Munger/concerned court in connection with JJB Case No. 200 of 2024 arising out of Basudevpur P.S. Case No. 80 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.

15. Accordingly, the revision petition is allowed and the judgment/order dated 07.07.2025 passed by the learned Additional Sessions Judge-cum-Special Judge (Children Court), Munger in Criminal Appeal No. 06 of 2025, as well as order dated 30.05.2025 passed by learned Juvenile Justice Board, Munger in JJB Case No. 200 of 2024 arising out of Basudevpur P.S. Case No. 80 of 2024, are hereby set aside.

(Arun Kumar Jha, J)

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