

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.869 of 2025

Arising Out of PS. Case No.-848 Year-2024 Thana- SAHARSA SADAR District- Saharsa

X1

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Vikash Kumar Paudar, S/o Chhotelal Paudar, R/o Nariyar Ram Janki Chowk, Ward No. 8/12, Police Station Saharsa, District-Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Advocate
		Mr. Dinesh Maharaj, Advocate
For the O.P. No. 2	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-06-2026

Heard learned counsel for the petitioner and learned counsel for the opposite party no. 2 as well as learned APP for the State.

2. 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.

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 application has been preferred by the petitioner under Section 102 of the Act of 2015 challenging the order dated 25.07.2025 passed in Cr. Appeal No.05 of 2025 by the learned Additional Sessions Judge-1st-cum-Children Court, Saharsa whereby the order dated 07.12.2024 passed by the Juvenile Justice Board, Saharsa in JJB Case No.232 of 2024 arising out of Saharsa Sadar P.S. Case No. 848 of 2024 registered for the offences punishable under Sections 103(1) and 238 of Bharatiya Nyay Sanhita, 2023 has been affirmed and the appeal preferred by the petitioner has been dismissed.

5. As per prosecution case, the wife and the minor daughter of the informant went outside in early morning to pluck flowers but they did not return. Subsequently, their dead bodies was found in a primary school. The name of the petitioner and co-accused transpired as the persons who committed murder of the wife and the daughter of the informant.

6. The petitioner was arrested on 18.08.2024. The petitioner claimed himself to be juvenile on the date of commission of offence. The Juvenile Justice Board, Saharsa declared the petitioner as juvenile and assessed the age of the petitioner X1 to be 15 years, 04 months and 15 days on the date



of commission of the offence.

7. The petitioner moved for grant of bail before the Juvenile Justice Board, Saharsa. The Board rejected his application for bail vide order dated 07.12.2024.

8. Being aggrieved by the order dated 07.12.2024 passed by the Juvenile Justice Board, Saharsa, the petitioner preferred appeal in the court of learned 1st Additional Sessions Judge-cum-Children Court, Saharsa. The appellate court vide order dated 25.07.2025 dismissed the appeal and upheld the order passed by the Juvenile Justice Board, Saharsa.

9. Being aggrieved by the order dated 25.07.2025 passed by the appellate court, the petitioner has moved the present revision petition before this Court.

10. Learned counsel appearing on behalf of the petitioner submits that the petitioner was not named in the FIR and during investigation his name came up for being involved in the occurrence. The learned Juvenile Justice Board as well as the learned appellate court refused to grant bail to the petitioner merely on assumption. The learned JJ Board as well as learned appellate court ignored the fact that there was no substantive material on record for presuming that the release of the petitioner may bring him in association with any known criminal or expose him to any moral, physical or psychological danger. Learned



counsel further submits that the learned courts below proceeded in the matter denying bail to the petitioner considering the heinous nature of offence but the seriousness of offence could not be relevant for grant of bail to a CICL. Learned counsel further submits that though the learned JJ Board referred to Social Investigation Report (hereinafter referred to as “SIR”) of the CICL for holding that there was lack of parental supervision over the petitioner but there was no material to arrive at such observation. Similarly, the learned appellate court held that the CICL/petitioner would come in contact with his associates which would expose him to moral, physical or psychological danger but again there was no material for arrive at such conclusion. Learned counsel referred to the decision of a learned Single Judge of this Court dated 12.11.2020 passed in Criminal Revision No. 367 of 2020, wherein in somewhat similar circumstances, bail was granted to a CICL. 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 co-accused Krishan Kumar @ Krisan Kumar has been granted bail by a learned Co-ordinate Bench vide order dated 11.07.2025 passed in



Criminal Misc. No. 44286 of 2025.

11. Learned APP for the State as well as learned counsel appearing on behalf of opposite party no. 2 vehemently contend that there is no infirmity in the orders of the learned courts below and said orders have been passed after due consideration of facts and law involved in the case and the appeal of the petitioner was rejected on completely valid ground. Learned counsel for the opposite party no. 2 further submits that it was a case of double murder and from the confessional statement of the co-accused, it transpires that it was the petitioner who was actively involved in the double murder of the wife and the daughter of the informant. It shows that the release of the petitioner would bring him into association of known criminals or he would further commit such type of offence.

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

13. 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.



14. 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 re-unite 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.

15. 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.

16. From the record, it transpires that the appellate court and the Juvenile Justice Board did not appreciate Social Investigation Report submitted by the probation officer properly. 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 allow to develop the mental and physical well being of the child and psychologically make him a good citizen. This is possible only under the guardianship of the parents and other family members. The nature of offence cannot be made a ground to refuse bail to a CICL as held in case of *Lalu Kumar & Ors.* (Supra). Moreover, the implication of the petitioner is on suspicion and on the basis of confessional statement of co-



accused. Further, the co-accused has been granted bail by a co-ordinate Bench of this Court.

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

18. Accordingly, the order dated 25.07.2025 passed in Criminal Appeal No. 05 of 2025 by the learned Additional Sessions Judge-1st-cum-Children Court, Saharsa is set aside. Consequently, the order dated 07.12.2024 passed by the learned Juvenile Justice Board, Saharsa in JJB Case No. 232 of 2024 arising out of Saharsa Sadar P.S. Case No. 848 of 2024 rejecting the prayer for bail of the petitioner is also set aside.

19. 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, Saharsa/concerned court in connection with JJB Case No. 232 of 2024 arising out of Saharsa Sadar P.S. Case No. 848 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.

20. The revision petition stands allowed.

21. The office is directed to send back the LCR to the court concerned forthwith.

22. Since it is a matter of 2024, the learned Juvenile Justice Board, Saharsa is directed to take up steps for early conclusion of trial and try to conclude the same at the earliest and send a report to this Court after conclusion of the trial, preferably within six months from the date of order.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2024
Transmission Date	24.06.2024

