

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.904 of 2025

Arising Out of PS. Case No.-185 Year-2024 Thana- MEHANDIGANJ District- Patna

XXXX Juvenile Natural Guardian S/o- Md. Dhamin @ Guddu @ Md. Shamim Khan S/o- Md. Aslam, R/o- Mohalla- Chik Toli PS-Chow Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar
For the Respondent/s	:	Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 10-06-2026

Heard the parties.

2. The present application is being preferred against the order dated 11.07.2025 passed by learned Spl. Children Court- cum- District and Addl. Sessions Judge 1st Patna, in connection with Mehdiganj P.S. Case No. 185 of 2024 for the offences punishable under Sections 309(4), 310(2) of BNS by which the learned Court has refused to enlarge the petitioner on bail.

3. The Child in conflict with law (for short 'CICL')/petitioner, aged about 16 years 11 month on the alleged date of occurrence, is not named in F.I.R. and is in observation home since 15.01.2025.



4. As per FIR, six unknown miscreants entered forcefully in the house of the informant and after confining the informant and his daughter-in-law in a room looted the household articles, jewelries along with cash of Rs. 1.5 Lakhs.

5. Learned counsel appearing on behalf of the CICAL/petitioner submitted that petitioner/CICAL was not named in the FIR, and his name surfaced during investigation on the basis of confessional statement of co-accused Md. Chand @ Maya Bhai who has already granted regular bail by this Court through Cr. Misc. No. 36432 of 2025 dated 09.10.2025 It is pointed out that admittedly recovery was not made from the possession of this petitioner and he is also a man of clean antecedent. It is further pointed out that the Social Investigation Report, no where reveals that CICAL may not improve him in future as to join the main stream of civilized society, therefore, there is no harm to release the juvenile under the supervision and care of his father, who is ready to extend his care and love to the petitioner.



6. Learned APP opposed the prayer for bail.

7. Having regard to the submissions and materials showing that the CICL/petitioner has been adjudged juvenile aged about 16 years 11 month on the alleged date of occurrence, and also as CICL/petitioner has remained in the Observation Home since 15.01.2025 and his father is ready to stand as a surety and furnish an undertaking that if released on bail he will take care of the CICL/petitioner and shall ensure that he does not fall in bad company and, in case, the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station as also following the spirit of section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in view of the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar** reported in **2019 (4) PLJR 833** that classification of the offences under the bailable and non-bailable sections would not be relevant for the purpose of grant of bail to a juvenile and the prayer for bail of a juvenile may be rejected only under one of the three conditions, which are as under:-



"(i) The release is likely to bring that person into association with any known criminal;

(ii) The release is likely to expose the said person to moral or physiological danger; and

(iii) The release would defeat the ends of justice."

8. Having regard to the submissions made by the parties and taking into consideration the materials on record as well as the period of incarceration of the petitioner/CICL and in the best interest of CICL, this Court is of the considered view that the impugned order passed by the court below is not in consonance with the aims and objectives of the Act. Even social investigation report suggest scope of reform and nothing adverse was noticed against him.

9. In view of the aforesaid facts and circumstances, as petitioner/CICL was found 16 years 11 month on the date of occurrence, coupled with the fact that charge-sheet has already been submitted, where Social Investigation Report (SIR) nowhere suggest that CICL/petitioner cannot be reformed in future as to join the main stream of society, accordingly, the order dated 11.07.2025 passed by learned Spl. Children Court- cum- District and Addl. Sessions Judge 1st Patna, in connection



with Mehdiganj P.S. Case No. 185 of 2024 is hereby set aside.

10.The criminal revision application stands allowed.

11. Let the CICL-petitioner, named-above, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand only) with two sureties of the like amount each to the satisfaction of learned Spl. Children Court- cum- District and Addl. Sessions Judge 1st Patna, in connection with Mehdiganj P.S. Case No. 185 of 2024 on the following conditions:-

- (i) That one of the sureties should be the father of the CICL/petitioner; and*
- (ii) That the father of the CICL/petitioner shall file an affidavit before the learned Juvenile Justice Board, Patna, giving specific undertaking that after release of the CICL/petitioner on bail, he will take proper care of the petitioner and will not allow him to fall into bad company.*

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.06.2026
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