

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.968 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- MAHILA P.S. District- Araria

X1

... .. Petitioner

Versus

1. The State of Bihar.
2. Elina Khatoon D/o Md. Lukman, R/o Village- B.M. Tola Bhalua, P.S- Simraha, Distt.- Araria.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Vijay Kishore Bharti, Advocate
For the State	:	Mr. Umanath Mishra, APP
For the OP No. 2	:	Ms. Seema Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-06-2026

Present learned counsel for the petitioner, learned counsel for the informant / 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, 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 petition is directed against the order dated 14.07.2025 passed by the learned District and Additional Sessions Judge-I-cum- Special Judge (Children's Court), Araria in Criminal Appeal No. 18 of 2025, whereby and whereunder the appeal was dismissed and the order of learned Juvenile Justice Board, Araria dated 04.06.2025 passed in JJB Case No. 47 of 2025, arising out of Mahila P.S. Case No. 19 of 2025 for offences punishable under Sections 65(1), 69, 352 and 3(5) of the B.N.S., 2023 read with Section 6 of POCSO Act has been affirmed.

5. As per prosecution case, giving inducement of marriage, the CICL established physical relationship with the minor informant and made her pregnant. However, subsequently he refused to marry the informant. The petitioner was apprehended on 23.05.2025 and the learned J.J. Board declared him juvenile after assessing his age to be twelve years and four months *vide* order dated 24.05.2025. Seeking bail, the CICL approached the learned J.J. Board which rejected the prayer for bail *vide* order dated 04.06.2025. Aggrieved by the order of the learned J.J. Board, the petitioner then preferred Criminal Appeal No. 18 of 2025 before the learned District and Additional Sessions Judge-I-cum- Special Judge (Children's Court), Araria and this appeal was dismissed *vide* order dated 14.07.2025.



6. Against dismissal of his appeal, the petitioner has approached this Court in the instant revision petition.

7. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The FIR has been lodged after a delay of twenty-eight days and there is no satisfactory explanation for the same. Though it has nowhere been mentioned that the victim is minor, still the FIR has been lodged under Section 6 of the POCSO Act. The petitioner is handicapped in one of his legs. The learned Appellate Court did not consider the the social investigation report in its true perspective and without any substantive material came to a wrong finding that there was complete failure of guardianship in this case. There is land dispute between the parties and in order to grab the land of the CICL, this false case has been brought by the family of informant with malicious intent. The father of the CICL appeared before the learned J.J. Board and undertook the responsibility that the CICL would not come into association with any criminal or he would not be exposed to any moral, physical or psychological danger. But, neither the learned J.J. Board nor the Appellate Court passed a speaking order and denied the bail to the petitioner. Petitioner is in custody since 23.05.2025. Even otherwise nothing serious came up in the social investigation report and considering the mandate of law under Section 12 of the J.J. Act, the petitioner deserves to be



enlarged on bail. The petitioner / CICL bears clean antecedent.

8. Learned APP as well as learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioner / CICL. Learned counsel for the informant submits that the petitioner / CICL repeatedly established physical relationship with the informant making her pregnant and this relationship was under the inducement of marriage, but subsequently the petitioner / CICL refused to marry the informant and refused to abide by the Panchayati which has been held. Learned counsel further submits that due to ongoing Panchayati proceedings, FIR had been registered after delay. Learned counsel further submits that the petitioner / CICL and the informant are next door neighbours and if the petitioner / CICL is released on bail, the informant would be put to danger.

9. Heard the rival submission advanced by the parties and perused the materials available on record.

10. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides 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 reason 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 fulfill the conditions of bail order within seven days of the order; such child shall be produced before the Board for modification of the conditions of bail.”

11. The aforesaid provision mandates grant of bail to a CICL. The language of Section 12 is couched in positive terms and grant of bail has been made mandatory. However, the proviso attached to the same Section provides that bail could be refused in certain conditions. If the CICL is released on bail and there were



chances of his coming into contact with known criminal or there might be moral, physical or psychological danger to the CICL or if grant of bail would defeat the ends of justice, under all these circumstances bail could be denied.

12. However, at the same time, Section 3(iv) provides that the welfare of the child is of paramount importance and the endeavour of the Court should be reformation of child. In the present case, it appears the learned Appellate Court as well as learned J.J. Board has not appreciated the SIR in its true perspective. There is no material to show that there was complete failure of guardianship and the CICL could not be released under the supervision of such guardian as it would defeat the ends of justice. If there is no material to substantiate this presumption, the order dismissing the appeal and thus, refusing to grant bail to the CICL could not be sustained.

13. Accordingly, the order of the Appellate Court dated 14.07.2025 passed by the learned District and Additional Sessions Judge-I-cum- Special Judge (Children's Court), Araria in Criminal Appeal No. 18 of 2025 is set aside. Subsequently, the order of the learned J.J. Board in JJB Case No. 47 of 2025, arising out of Mahila P.S. Case No. 19 of 2025 is also set aside.

14. Let the petitioner, a child in conflict with law, 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, Araria / concerned Court in connection with JJB Case No. 47 of 2025, arising out of Mahila P.S. Case No. 19 of 2025, subject to the following conditions:

(i) One of the bailors will be the parents of the petitioner and the 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 present revision petition is allowed.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.06.2026
Transmission Date	23.06.2026

