

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.982 of 2025

Arising Out of PS. Case No.-119 Year-2025 Thana- BARAULI District- Gopalganj

X2

... .. Petitioner

Versus

1. The State of Bihar.
2. Shivdayal Ram NA Resident of Village - Bakhraur Jaddi, PS- Barauli, Dist- Gopalganj.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Dinkar Kumar, Advocate Mr. Md Danish Quamar, Advocate Ms. Madiha Moneer, Advocate
For the State	:	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-06-2026

Present learned counsel for the petitioner as well as learned APP for the State. Despite sufficient opportunity, no one has put up appearance on behalf of respondent no. 2.

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 X2.



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 18.08.2025 passed by the learned District and Additional Sessions Judge-I, Gopalganj (Children Court) in Criminal Appeal No. 20 of 2025, whereby and whereunder the appeal was dismissed and the order of learned Juvenile Justice Board, Gopalganj dated 27.06.2025 passed in J.E. No. 244 of 2025, arising out of Barauli P.S. Case No. 119 of 2025 for offences punishable under Sections 103(1), 238, 61(2) and 3(5) of the B.N.S., 2023 and Section 3(2)(V) of the SC/ST (PoA) Act has been affirmed.

5. As per prosecution case, dead body of daughter of the informant was recovered from bushes in decomposed state. The name of the petitioner / CICL and the co-accused transpired for being involved in the murder of the daughter of the opposite party no. 2. The petitioner / CICL was taken into custody on 01.05.2025. Learned J.J. Board declared the petitioner / CICL as juvenile on 04.06.2025. Thereafter, the petitioner / CICL moved for bail before the learned J.J. Board, Gopalganj and his prayer for bail was rejected *vide* order dated



27.06.2025 by learned J.J. Board in J.E. No. 244 of 2025, arising out of Barauli P.S. Case No. 119 of 2025. Aggrieved by the said order, the petitioner / CICL filed Criminal Appeal No. 20 of 2025 before the Court of learned District and Additional Sessions Judge-I, Gopalganj (Children Court) seeking bail and again the prayer for bail was rejected as the learned Appellate Court dismissed the appeal filed by the petitioner / CICL.

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

7. Learned counsel for the petitioner / CICL submits that the petitioner / CICL has been falsely implicated in this case and he is innocent. The FIR was instituted against unknown and the name of the CICL transpired in this case merely on suspicion. Learned counsel further submits that even in the confessional statement of this CICL, there is no overt act of the CICL in the whole occurrence, rather the CICL disclosed that the co-accused Brij Kishore Kumar killed the daughter of opposite party no. 2 and thereafter informed the CICL on phone and due to fear, he did not disclose this information to any person. However, he submits that the learned trial Court did not consider all these facts and circumstances and refused the bail to



the CICL in mechanical manner. Learned counsel further submits that CICL is a student of Class-11 and his parents undertake that they will supervise the conduct of the petitioner and take care of his educational needs and keep him away from bad influence and anti-social company. Learned counsel next submits that learned Appellate Court as well as learned J.J. Board blindly relied upon the SIR and SBR report. Both the reports are based on presumption and appears to be only a table-work. There is no substantive material to show the basis of SIR. Merely mentioning that the petitioner was in contact with the co-accused Brij Kishore Kumar, who committed murder of the daughter of the opposite party no. 2 after love affair and to deny him bail is not proper since the co-accused is the son of the maternal uncle and it is merely presumption to say that after his release the petitioner would again come in contact with the co-accused and it might also cause psychological danger to him considering his minority as he is stated to be aged about sixteen years only. Learned counsel thus submits that the petitioner has not committed any offence and is innocent and his career would be jeopardized if he is not released on bail.

8. Learned APP for the State vehemently opposes the submissions made on behalf of the petitioner / CICL and



submits that the SIR and SBR are against the release of petitioner on bail.

9. Heard the rival submissions 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 except for certain contingencies. The proviso to Section 12 provides that the child in conflict with law will not be released on bail if there was apprehension of him coming into association with known criminal elements or it might result in moral, physical or psychological danger or it might defeat the ends of justice. In the present case, it appears the learned Appellate Court erred on the point while considering the SIR and SBR of the CICL merely because the CICL was earlier in contact with co-accused is no ground for presuming that he will again come in contact with the co-accused after his release. However, there is no material to show that there was moral, physical or psychological danger to the CICL if he is released on bail. Further, when the case against the CICL is based on



completely vague grounds, I fail to understand how it would defeat the ends of justice if he is allowed on bail.

12. Moreover, the purpose of the J.J. Act is reformation of the CICL and not to penalise him. Further, considering the fact that there is no substantive material against the CICL and his custody is based merely on vague and unsubstantiated material.

13. Having regard to all these facts and circumstances, the order of the Appellate Court dated 18.08.2025 passed in Criminal Appeal No. 20 of 2025 could not be sustained and hence the same is set aside. Subsequently, the order of the learned J.J. Board in J.E. No. 244 of 2025, arising out of Barauli P.S. Case No. 119 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, Gopalganj / concerned Court in connection with J.E. No. 244 of 2025, arising out of Barauli P.S. Case No. 119 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

