

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1017 of 2025

Arising Out of PS. Case No.-198 Year-2024 Thana- JANKINAGAR District- Purnia

A, Son of Ramesh Sah, Resident of Village - Naulakha Rahi Tola, Ward No.- 5, P.S.- Janki Nagar, District - Purnea.

... .. Petitioner

Versus

1. The State of Bihar
2. Kundan Kumar, Son of Late Ram Bahadur Sah, Resident of Murliganj Jhilchowk Ward No.- 08, P.S.- Murliganj, Distt.- Madhepura, at present Resident of Village - Naulakha Rahi Tola, Ward No.- 5, P.S.- Janki Nagar, District - Purnea.

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Senior Advocate Mr. Kumar Dhananjay Singh, Advocate
For the Respondent/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 10-06-2026

Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The present application is being preferred against the order dated 4th August, 2025 passed by learned District and Additional Sessions Judge-1st-cum-Special Judge, Children's Court, Purnea in Criminal (Juvenile) Appeal No.12 of 2025 arising out of Janki Nagar P.S. Case No. 198 of 2024, G.R. No.2837 of 2024 registered for the offences punishable under Sections 147, 148, 149, 324, 341, 323, 307, 504, 506, 120(B) of the I.P.C. by which the learned



Court has refused to enlarge the petitioner on bail.

3. The Child in conflict with law (for short 'CICL')/petitioner/'A', aged about 17 years 03 months and 29 days on the alleged date of occurrence i.e. 02.06.2024, is named in F.I.R. and is in Observation Home since 10.01.2025.

4. As per FIR, 'A' (Petitioner)/CICL along with other co-accused persons committed the murder of the father of the informant.

5. Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the CICL/A (petitioner) submitted that similar allegation is available against co-accused Naresh Shah @ Bhutai Sah @ Bhutai Shah and other co-accused namely, Arvind Kumar, who have been granted regular bail by different co-ordinate Bench of this Court through Criminal Misc. No. 54935 of 2025 dated 03.11.2025 and Criminal Misc. No. 82092 of 2025 dated 03.12.2025. It is pointed out that no gunshot injury as alleged was found upon the deceased father of informant during postmortem rather it was submitted that head injury caused by hard and blunt



object was proved fatal. It is pointed out by Mr. Agrawal that there was single injury which further negates the allegation that father of informant was assaulted by two persons during the occurrence, considering which, the co-accused Arvind Kumar was granted regular bail by one of the learned co-ordinate Bench of this Court.

6. Mr. Agrawal further submitted that as per social investigation report, there is no adverse reporting against the petitioner and there is all likelihood that the petitioner under parental care be reformed himself in coming time and will return to the main stream of civilized society.

7. Learned APP for the State could not disputed the submission that SIR reveals any adverse report against A (petitioner)/CICL.

8. Having regard to the submissions and materials showing that the CICL/petitioner has been adjudged juvenile aged about 17 years 03 month and 29 days on the alleged date of occurrence, and also as CICL/petitioner has remained in the Observation Home since 10.01.2025 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.”

9. 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.

10. In view of the aforesaid facts and circumstances, as petitioner/CICL who is a CICL faced similar allegation as to co-accused Arvind Kumar, who has already granted bail by one of the learned co-ordinate Bench of this Court, coupled with the fact that social investigation report nowhere reveals that CICL/petitioner cannot be reformed in future as to join the main stream of society, accordingly, the order dated 4th August, 2025 passed by learned District and Additional Sessions Judge-1st-cum-Special Judge, Children's Court, Purnea in Criminal (Juvenile) Appeal No.12 of 2025 arising out of Janki Nagar P.S. Case No. 198 of 2024, G.R. No.2837 of 2024 is hereby set aside.

11. The criminal revision application stands



allowed.

12. Let the CICL/petitioner, named-above, who is in Observation Home since 10.01.2025 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 District and Additional Sessions Judge-1st-cum-Special Judge, Children’s Court, Purnea in connection with Janki Nagar P.S. Case No. 198 of 2024, G.R. No.2837 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, Purnea, 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.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.06.2026
Transmission Date	10.06.2026

