

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1026 of 2025

Arising Out of PS. Case No.-388 Year-2021 Thana- LALGANJ District- Vaishali

XXXX

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rishikesh Mukul S/O Arjun Singh R/O Kharauna, P.S. - Lalganj, Dist. - Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Advocate
For the Respondent/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 16-02-2026

Present learned counsel for the petitioner as well as learned APP for the State. However, there is no representation on behalf of opposite party no. 2, though service was declared upon opposite party no. 2 on the last date of hearing.

2. From perusal of record, it transpires that in the revision petition, the identity details of the Juvenile 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 juvenile in conflict with law. Therefore, the identity of the petitioner is being referred to in the cause title as XXXX.



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 has been filed for setting aside the judgment/order dated 11.07.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge Children Court, Vaishali at Hajipur in Criminal Appeal No. 09 of 2025, whereby and whereunder the learned appellate court dismissed the appeal and upheld the order dated 24.04.2025 passed by learned Juvenile Justice Board, Vaishali at Hajipur in JJB Case No. 750 of 2022 arising out of Lalganj P.S. Case No. 388 of 2021 registered under Section 392 of the Indian Penal Code and, later on, substituted Sections 395 and 412 of IPC, by which the prayer for grant of bail to the petitioner/child in conflict with law (for short 'CICL') has been rejected.

5. Briefly stated, the facts of the case are that 3-4 miscreants riding three bikes pushed the bike of the informant/opposite party no. 2 and when he fell down, the miscreants snatched two mobile phones, two gold rings along with a bag containing Aadhar Card, Pan Card, Identity Card, ATM Card, Credit Card and other documents from the informant apart from his motorcycle and fled away from the



spot. The name of the petitioner, who is the CICL, transpired during investigation in the confessional statement of co-accused, Pankaj Kumar, for being involved in the alleged occurrence. The CICL moved before the learned Juvenile Justice Board, Vaishali at Hajipur for grant of bail but his prayer was rejected vide order dated 24.04.2025. The CICL preferred an appeal which also came to be dismissed vide judgment/order dated 11.07.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Vaishali at Hajipur. The CICL approached this Court against the aforesaid two orders.

6. Learned counsel for the petitioner submits that the petitioner/CICL submits that the age of petitioner was assessed to be 16 years 08 months and 21 days on the day of occurrence and, as such, he was declared juvenile by the learned J.J. Board, Vaishali at Hajipur vide order dated 10.01.2025. Learned counsel further submits that the learned District Courts have not considered the best interest of the CICL while rejecting his prayer for bail. Only on the ground that there was likelihood of petitioner falling in a bad company, the prayer for bail was rejected. There is no material on record to show that there was any likelihood of petitioner coming into association with any known criminal or his release would expose him to moral,



physical or psychological danger or his release would defeat the ends of justice. Learned counsel further submits that, moreover, the petitioner has been made accused for the offences under Sections 395 and 412 of IPC but no recovery has been shown from the petitioner and nothing incriminating has been recovered from his person or possession. Learned counsel further submits that the CICL is in observation home since 20.09.2024. Learned counsel further submits that keeping the petitioner in observation home would not serve any useful purpose and would not help in his proper development considering his age and it is not in the best interest of the petitioner who is CICL. Thus, the learned counsel submits that the order dated 24.04.2025 of the learned J. J. Board, Vaishali at Hajipur as well as order dated 11.07.2025 of the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Vaishali at Hajipur may be set aside.

7. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner/CICL is having antecedent of two cases and it shows the apprehension of learned J.J. Board and the learned appellate court is correct about petitioner again falling in bad company. Learned APP further submits that it has also come on record



that father of the CICL is no more and the petitioner's mother has not been able to control him. Therefore, there is every chance that the petitioner would fall in bad company and his release would likely to bring him into association with any known criminal and the same is against the safety of the CICL.

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

9. 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 reasons 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 fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.”

10. The aforesaid provision 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 and there was danger to the moral, physical and psychological well being of the CICL or would defeat the ends of justice. If these grounds are not present, the bail could not be denied to a CICL. But the best interests and welfare of a child are of paramount importance.

11. Further, the JJ Act is, in fact, child friendly. The central theme is that the interest of child is supreme. Section 3 of the JJ Act 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 JJ Act



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 JJ Act makes it abundantly clear that a child shall be placed in institutional care as a step of last resort after making a reasonable inquiry. Section 3(xiii) of the JJ Act provides for Principle of repatriation and restoration which reads as follows:

“Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.”

12. 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 endanger his moral, physical or psychological well being. 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 child in conflict with law. In the orders impugned, except for



bland assertion that there was likelihood of petitioner coming into bad company, no material has come on record to show the basis of such reasoning except saying that the social investigation report of CICL mentions about death of father of petitioner and one criminal antecedent of the petitioner.

13. However, considering the fact that the Courts are bound to see that the interest of the CICL is protected at any cost. The CICL is in observation home since 20.09.2024 and his best interest is paramount importance. For reformatory measures and rehabilitation and to protect the best interest of the child, the best place could be the house of the child and keeping such CICL in observation home would frustrate the provision of the J.J. Act. Therefore, the conclusions arrived at by the learned District Courts are not sustainable and hence, the impugned order dated 24.04.2025 passed by learned Juvenile Justice Board, Vaishali at Hajipur in JJB Case No. 750 of 2022 arising out of Lalganj P.S. Case No. 388 of 2021 and the judgment/order dated 11.07.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Vaishali at Hajipur in Criminal Appeal No. 09 of 2025, are hereby 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, Vaishali at Hajipur/concerned court in connection with JJB Case No. 750 of 2022 arising out of Lalganj P.S. Case No. 388 of 2021, 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.*

15. Accordingly, the present revision petition is allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2026
Transmission Date	18.02.2026

