

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1039 of 2025

Arising Out of PS. Case No.-214 Year-2024 Thana- MUNGER MUFFASIL District- Munger

X1

... .. Petitioner/s

Versus

1. The State of Bihar.

2. Ramawati Devi, W/o Late Damodar Singh, Resident of Village - Bodhan
Mahto Tola, Police Station - Muffasil, District - Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy

For the Respondent/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 23-06-2026

Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party no.

2.

02. 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
(for short ‘the Act of 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.



03. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.

04. The instant criminal revision application has been preferred by the petitioner under Section 102 of the Act of 2015 challenging the judgment dated 04.07.2025 passed in Cr. Appeal No.04 of 2025 by the learned Additional Sessions Judge-I, Munger, whereby the order dated 14.05.2025 passed by the Juvenile Justice Board, Munger in J.J.B. Case No. 21 of 2025 arising out of Munger Muffasil P.S. Case No. 214 of 2024 has been affirmed and the appeal preferred by the petitioner has been dismissed.

05. Munger Muffasil P.S. Case No. 214 of 2024 has been registered on the written report of the informant Ramawati Devi under Sections 376, 341, 323, 504/34 of the Indian Penal Code and Sections 4 & 6 of POCSO Act against the petitioner. The allegation against the petitioner is that he induced the minor granddaughter of the informant into establishing physical relationship with her giving her allurements of marriage and made her pregnant. Later on, the petitioner refused to marry her.

06. The petitioner was apprehended on 11.06.2024 and learned Juvenile Justice Board, Munger



determined the age of the petitioner to be 17 years 9 months 23 days on the date of occurrence and was declared juvenile/child in conflict with law (CICL). The CICL filed a petition for grant of bail on 13.05.2025 but vide order dated 14.05.2025 the learned Juvenile Justice Board rejected the prayer for bail made on behalf of CICL.

07. Against the rejection order passed by learned Juvenile Justice Board in J.J.B. No. 21 of 2025, the CICL approached the court of learned Additional Sessions Judge-I, Munger in Criminal Appeal No. 04 of 2025, but his criminal appeal was also rejected vide judgment dated 04.07.2025.

08. Being aggrieved by the order of learned appellate court, the CICL has filed the present revision petition seeking bail.

09. Learned counsel for the petitioner (CICL) submits that the orders passed by learned Juvenile Justice Board as well as learned appellate court are not sustainable as the orders have been passed against the fact and law. The learned appellate court failed to appreciate that the petitioner is innocent and it is a case of false implication. Learned Juvenile Justice Board went on to hold that the release of the petitioner would not be in the interest of the petitioner and would expose him to



physical or psychological danger. At the same time, learned appellate court rejected the prayer for bail considering the nature of allegation, present status of the case and also on the ground that the release of the petitioner likely to bring him into association with known criminals or expose him to any moral, physical or psychological danger and also danger to the victim and her child but there is hardly any material to show that there was physical or psychological danger to the petitioner. The nature and gravity of the offence is immaterial for grant of bail to a child in conflict with law as has been made clear by Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Learned counsel further submits that both the learned courts below have failed to appreciate the statutory provisions prescribed under the Act of 2015 and the ratio laid down by this Court in the case of ***Lalu Kumar & Ors. Vs. The State of Bihar & Ors***, reported in ***2019 (4) PLJR 833***. Learned counsel further submits that the parents of the petitioner are ready to take care of their child. The petitioner has got clean antecedent. The petitioner is in custody since 11.06.2024 and cognizance has been taken.

10. Learned APP for the State as well as learned counsel for the informant/opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned



counsel for the opposite party no. 2 submits that there is specific allegation against the petitioner that he established physical relationship with 12 years old granddaughter of the informant and she became pregnant and thereafter, the petitioner refused to marry her. If the petitioner is released on bail, it would defeat the ends of justice.

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

12. Section 12 of the Act of 2015 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 or there was danger to the moral, physical and psychological well being of the CICL or the release would defeat the ends of justice. If these grounds are not present, the bail could not be denied to a CICL.

13. Further, the Act of 2015 is, in fact, child friendly. The central theme is that the interest of child is supreme. Section 3 of the Act of 2015 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 Act of 2015 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 Act of 2015 makes it abundantly clear that a child shall be placed in institutional care as a step of last resort after making a reasonable inquiry. Further, Section 3(xiii) of the Act of 2015 provides for Principle of repatriation and restoration stating that a CICL shall have the right to re-unite with his family and be restored to the social, cultural and the economic background that he came from unless such restoration and repartition is not in the CICL's best interest.

14. 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 expose him to moral, physical or psychological danger. 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 CICL.

15. From the record, I find that the petitioner was a CICL at the time of occurrence and he remained in custody for more than two years and he bears clean antecedent. From the order of the learned appellate court, I hardly find any material to



show that there is any basis before the learned appellate court to arrive at its finding that release of the petitioner would allow him to come in contact with his previous associates and his social, physical and psychological well being would come to any harm and the ends of justice would be defeated. Moreover, the purpose of the Act of 2015 is the reformation of the child and the institutionalization of a CICL is a matter of last resort and could not be resorted to thinking that such custody would be for betterment of the child and would psychologically make him a good citizen. This is possible only under the guardianship of the parents and other family members. Further, the nature of offence cannot be made a ground to refuse bail to a CICL as held in case of **Lalu Kumar & Ors.** (Supra).

16. Keeping these facts into mind, the orders impugned cannot be sustained.

17. Accordingly, the order dated 04.07.2025 passed in Criminal Appeal No. 04 of 2025 by the learned Additional Sessions Judge-I, Munger is set aside. Consequently, the order dated 14.05.2025 passed by the learned Juvenile Justice Board, Munger in J.J.B. Case No. 21 of 2025 arising out of Munger Muffasil P.S. Case No. 214 of 2024 rejecting the prayer for bail of the petitioner is also set aside.

18. The petitioner, a CICL, is directed to 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, Munger/concerned court in connection with J.J.B. Case No. 21 of 2025 arising out of Munger Muffasil P.S. Case No. 214 of 2024, 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.*

19. The revision petition stands allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2026
Transmission Date	25.06.2026

