

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1032 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- Basmatia District- Araria

XXXX

... .. Petitioner/s
Versus
The State of Bihar

... .. Respondent/s

Appearance :
For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Respondent/s : Mr. Mohammad Sufyan, 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.

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 12.08.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge Children Court, Araria in Criminal Appeal No. 21 of 2025, whereby and whereunder the learned appellate court dismissed the appeal and affirmed the order dated 19.06.2025 passed by learned Juvenile Justice Board, Araria in JJB Case No. 32 of 2025 arising out of Basmatia P.S. Case No. 02 of 2025 registered under Section 8/20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 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 on the basis written report of informant, Rana Kumar, Assistant Commandant of SSB, Basmatia P.S. Case No. 02 of 2025 was registered under Section 8/20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act. It is alleged in the written report that on getting secret information that some persons carrying *ganja* were coming towards India from Nepal border, a raid was conducted and on seeing the QRT team, 8-10 persons carrying sacks started fleeing leaving behind their sacks. Two of them were apprehended. On searching the sacks, recovery of total 225 kg of *ganja* was made. The petitioner is one of the



apprehended persons. The CICL moved before the learned Juvenile Justice Board, Araria for grant of bail but his prayer was rejected vide order dated 19.06.2025. The CICL preferred an appeal which also came to be dismissed vide judgment/order dated 12.08.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Araria. 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 15 years and 03 days on the day of occurrence and, as such, he was declared juvenile by the learned J.J. Board, Araria vide order dated 15.05.2025. 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 lack of conducive family environment for proper upbringing of the CICL and his release would expose him to moral, physical or psychological danger, 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 no concern with the alleged occurrence nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel further submits that the CICL is in observation home since 05.01.2025 and he has got no criminal history. 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 19.06.2025 of the learned J. J. Board, Araria as well as order dated 12.08.2025 of the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Araria may be set aside.

7. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is no illegality in the impugned orders passed by both the courts below. Learned APP further submits that from the record it is apparent that 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 since there was lack of conducive environment in the family of the CICL for his proper upbringing 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 there was lack of conducive family environment for proper upbringing of the CICL and his release would likely to bring him into association with any known criminal or would expose him to moral, physical or



psychological danger, no material has come on record to show the basis of such reasoning.

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 05.01.2025 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 19.06.2025 passed by learned Juvenile Justice Board, Araria in JJB Case No. 32 of 2025 arising out of Basmatia P.S. Case No. 02 of 2025 and the judgment/order dated 12.08.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Araria in Criminal Appeal No. 21 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, Araria/concerned court in connection with JJB Case No. 32 of



2025 arising out of Basmatia P.S. Case No. 02 of 2025, 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

