

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1144 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- Sahayak Khajanchi District- Purnia

X1

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX S/O-YYY At present R/O Mohalla- Molvibari, Rajani Chowk, Ward No. 25, P.S- Sahayak Khazanchi, Distt.- Purnea. Permanent Address- Mohalla- Gokul Singh Thakurbari, Rajani Chowk, Ward No. 25, P.S- Sahayak Khazanchi, Distt.- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bipin Kumar, Advocate
For the Respondent/s	:	Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 23-06-2026

From office note, it appears notice has been validly served upon the informant/OP No. 2.

02. Heard learned counsel for the petitioner as well as learned counsel for the State.

03. From perusal of record, I find that the description of the petitioner has been given in the petition and reflected in the cause title which is inappropriate as the same 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/child in conflict with law. Therefore, the identity of the

petitioner is being referred to in the cause title as X1.

04. Office is directed to mask the name of the petitioner and ensure that the pseudonym is reflected in the order.

05. The petitioner is a child in conflict with law and the instant revision petition is preferred on behalf of the petitioner for setting aside the impugned judgment dated 24.09.205 passed by learned Additional Sessions Judge-1-cum-Special Judge (Children Court), Purnea in Criminal Appeal No. 20/2025 arising out J.J.B. No.446 of 2025 in connection with Sahayak Khazanchi P.S. Case No. 163 of 2025 for the offences under Section 137(2), 96/3(5) of the BNS and subsequently Section 70(2) of BNS and Section 6/10 of the POCSO Act whereby and whereunder the learned Additional Sessions Judge-1-cum-Special Judge (Children Court), Purnea dismissed the criminal appeal of the petitioner and the order of learned Juvenile Justice Board, Purnea was upheld.

06. The present revision is also preferred against order dated 31.07.2025 passed by the learned Juvenile Justice Board, Purnea in Sahayak Khazanchi P.S. Case No. 163 of 2025 wherein the prayer for regular bail of the petitioner was rejected.

07. As per prosecution case, the informant Rajkumar

Das instituted Sahayak Khazanchi P.S. Case No. 163 of 2025 against three coaccused persons for kidnapping of his minor daughter. The name of the petitioner transpired in this case during investigation. The petitioner has been in protective custody since 17.07.2025 and the learned Juvenile Justice Board, Purnea determined the age of the petitioner vide order dated 30.07.2025 declaring him to be a child in conflict with law (CICL) finding his age to be 15 years 05 months and 16 days on the date of occurrence.

08. Subsequently, vide order dated 31.07.2025 prayer for bail of the petitioner was rejected by the learned Juvenile Justice Board, Purnea in J.J. Case No. 446 of 2025 arising out of Sahayak Khazanchi P.S. Case No. 163 of 2025. Aggrieved by the rejection order of his bail, the petitioner approached the Court of learned Additional Session Judge-I-cum-Special Judge, Children Court, Purnea in Criminal Appeal No. 20 of 2025. However, the learned appellate court did not find any error or illegality in the rejection order of the learned J.J. Board, Purnea and refused the prayer for bail of the petitioner and upheld the order of the learned J.J. Board, Purnea thereby the appeal filed by the petitioner was dismissed. Now, against these two orders of rejection of prayer for bail, the petitioner has come to this

Court by filing the present revision petition.

09. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and he has not been named in the case at the first instance. Even the victim did not name the petitioner when her statement was recorded under Section 180 and Section 183 of the BNSS. Learned counsel further submits that petitioner is a student of class 11 and due to his custody, his studies have suffered. Learned counsel further submits that the rejection of the prayer for bail of the petitioner by learned J.J. Board and learned appellate court has been on the ground of nature and severity of the offence and also on the ground of threat to the petitioner and possibility of exposure to criminal elements. The learned appellate court reiterated these grounds and rejected the prayer of the petitioner for bail. But the petitioner has got no criminal antecedent and there is no material on record to show that there was moral, physical or psychological danger to the petitioner. Gravity of the offence could not be a reason to deny the bail to a juvenile petitioner. Learned counsel further submits that it has also been observed by the learned appellate court that the guardian of the petitioner have not been providing proper care to the petitioner and he is in bad company. But again, there is no material on record to make

such inference.

10. Learned counsel further submits that in fact, the petitioner has not participated in the alleged offences and only on suspicion he has been made accused in this case. The mother of the petitioner is ready to undertake that she would take proper care of the petitioner and also restrain him from joining any criminal activities. The petitioner has no concern with any criminal gang and his release is not likely to bring him to association with any criminal element or expose him to moral, physical or psychological danger. It is also not that release of the petitioner could defeat the ends of justice. Thus, the learned counsel submits that the impugned orders are bad and the same needs to be set aside and the petitioner may be enlarged on bail.

11. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner and other coaccused persons conspired with each other and kidnapped the daughter of the informant. It is a case of gang rape and the petitioner and other coaccused persons administered spiked cold drink to the victim and thereafter committed rape with her. This shows the criminal bent of mind of the petitioner. If he is released from custody, there is every possibility that the petitioner would come in

contact with his peer group which was involved in such type of activity. Learned APP thus submits that the petitioner could not be allowed to roam free in public.

12. Perused the record.

13. At the outset, it is made clear that under Section 12 of the Juvenile Justice (Care and Protection of Children) Act (in short 'the J.J. Act') seriousness of allegation cannot be ground for rejection of prayer for bail of the child in conflict with law. The prayer for bail could be rejected only on the ground that release of the CICL would likely to bring him into association with any known criminal or expose the CICL to moral, physical or psychological danger or the persons release would defeat the ends of justice. So far as reliance placed by the learned appellate court or the learned J.J. Board, Purnea for rejection of bail on exposure of the petitioner to moral, physical and psychological danger or the petitioner coming into association with any known criminal elements is concerned, I do not find much material available on record to make such inference.

14. Further in Section 3 of the J.J. Act there are some salutary provisions governing the well being of a CICL. Section 3(iv) of the J.J. 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 J.J. 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 J.J. 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.”

15. The learned Juvenile Justice Board and the learned appellate court have failed to appreciate the statutory provisions prescribed under the J.J. Act of 2015 and the ratio laid down by this Court in **Lalu Kumar & Ors. vs. The State of Bihar & Ors. reported in 2019(4) PLJR 833**. Underlying principle is the best interest of the child and gravity and nature of offences are immaterial for consideration of grant of bail to a child/juvenile in conflict with law.

16. Considering the interest of the petitioner to be of

paramount importance and further finding that keeping the child in observation home may not serve the purpose of his reformation as there could be no better place for growth and development of a child other than his own house with his family members. In the best interest of the child and considering the clean antecedent of the petitioner and his continued custody since 17.07.2025, the petitioner X1/child in conflict with law is directed be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Purnea/concerned court, in connection with J.J. No. 446/2025 arising out of Sahayak Khazanchi P.S. Case No. 163 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 giving undertaking that he/she shall keep proper care and upkeep of the appellant.

(ii) The petitioner shall remain present before the Board on each and every date of trial of the case fixed by the Board and shall fully co-operate in the pending enquiry/trial.

17. Accordingly, the Judgment dated 24.09.2025 passed by the Additional Sessions Judge-I-cum-Special Judge (Children Court), Purnea and order dated 31.07.2025 passed by

the J.J. Board, Purnea are set aside and present revision petition is allowed.

18. Office is directed to return the Lower Court Record forthwith.

(Arun Kumar Jha, J)

Anuradha/-

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