

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1130 of 2025

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

Anand Kumar Das S/O Umesh Das R/O Near Shiv Mandir Bhatta Bazar,
Tatma Toli, P.S- Sahayak, K.Hat, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Das S/O Sri Sudhanshu Chanda Das R/O Moulvi Bari, Rajni Chowk, Ward No. 25, Purnea, P.S- Sahayak, K.Hat, Purnea, Distt.- Purnea, Permanent Address- Gukul Singh Thakurbari Rajni Chowk, Ward No. 25, P.S- Sahayak (Khajandhi), Purnea, Dist.- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Respondent/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 11-06-2026

Heard the parties.

2. The present application is being preferred against the order dated 24.09.2025 passed by learned District and Addl. Sessions Judge 1st- cum- Spl. Judge Children Court, Purnea, in connection with Sahayak Khajanchi P.S. Case No. 163 of 2025 for the offences punishable under Sections 137(2), 96, 3(5), 70(2) of BNS and Section 6/10 of POCSO by which the learned Court has refused to enlarge the petitioner on bail.

3. The Child in conflict with law (for short



'CICL')/petitioner, aged about 16 years 8 month on the alleged date of occurrence, is named in F.I.R. and is in observation home since 24.05.2025.

4. As per FIR, CICL/petitioner alleged to kidnap the minor daughter of the informant alongwith other co-accused persons. It is also alleged that prior to the occurrence the informant who is the mother of the victim was threatened by the CICL/petitioner and his father.

5. Learned counsel appearing on behalf of the CICL/petitioner submitted that allegation qua sexual assault is not available against CICL/petitioner. It is submitted that there is major contradiction between the statement of victim recorded under Section 180 and 183 of BNSS. It is pointed out that the allegation of kidnapping is available against co-accused Subham Kumar as per statement of victim recorded under section 180 of BNSS where she also stated that *Mazza* (soft drinks) was offered by co-accused Subham Kumar. It is also pointed out that the allegation of sexual assault not appears available against this CICL/petitioner as victim categorically stated while recording her statement



under Section 180 of BNSS, that her body was touched by co-accused Subham Kumar and Sushant Kumar. It is pointed out that she came to know about penetrative sexual assault was committed upon her by all three person including petitioner/CICL, out of their conversions only.

6. Learned counsel appearing on behalf of the CICL/petitioner submitted that no injury was found upon victim in support of the allegation. It is pointed out that doctor opined her age between 15-17 years and in fact she was in love with one of the co-accused namely Subham Kumar. It is submitted that this petitioner was implicated with this case being friend of co-accused Subham Kumar and Sushant Kumar.

7. Arguing further, it is pointed out that the Social Investigation Report, no where reveals that CICL may not improve him in future as to join the main stream of civilized society, therefore, there is no harm to release the juvenile under the supervision and care of his father, who is ready to extend his care and love to the petitioner.

8. Learned APP opposed the prayer for bail.



9. Having regard to the submissions and materials showing that the CICTL/petitioner has been adjudged juvenile aged about 16 years 8 month on the alleged date of occurrence, and also as CICTL/petitioner has remained in the Observation Home since 24.05.2025 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 CICTL/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.”

10. 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.

11. In view of the aforesaid facts and circumstances, as petitioner/CICL was found 16 years 8 month on the date of occurrence, coupled with the fact that charge-sheet has already been submitted, where Social Investigation Report (SIR) nowhere suggest that CICL/petitioner cannot be reformed in future as to join the main stream of society, accordingly, the order dated 24.09.2025 passed by learned District and Addl. Sessions Judge 1st- cum- Spl. Judge Children Court, Purnea, in connection with Sahayak Khajanchi P.S. Case No. 163 of



2025 is hereby set aside.

12.The criminal revision application stands allowed.

13. Let the CICL-petitioner, named-above, 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 Addl. Sessions Judge 1st- cum- Spl. Judge Children Court, Purnea, in connection with Sahayak Khajanchi P.S.

Case No. 163 of 2025 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, Patna, 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)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.06.2026
Transmission Date	11.06.2026

