

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 1171 of 2025

Arising Out of PS. Case No.-171 Year-2024 Thana- DESARI District- Vaishali

XXX (Minor) Wife of Dhaneshwar Ram @ Jimdar Ram Under the guardianship of his mother and natural guardian namely Sheela Devi aged 45 yrs., Resident of village - Sahdei Buzurg, P.S.- Desari, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi Wife of Late Laxmi Ram Resident of Village - Sahdei Buzurg, P.S.- Desari, Dist.- Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bela Singh, Advocate Mr. Rajeev Ranjan, Advocate Mr. Aashish Kumar, Advocate Mr. Anish Mr. Thakur, Advocate Ms. Shambhavi Priya, Advocate
For the Respondent/s	:	Mr.Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Parijat Saurav, Advocate Mr. Gaurang Darshan Dixit, Advocate

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 informant.

02. The present petition has been filed for setting aside the Judgment/Order dated 08.08.2025 passed by the learned Additional Sessions Judge-1st-cum-Children Court, Vaishali at Hajipur passed in Cr. Appeal No. 17 of 2025 whereby and whereunder the prayer for bail of the petitioner/child in conflict with law was rejected and affirmed the order dated 19.10.2024 passed by the learned J.J. Board, Vaishali at Hajipur rejecting



the prayer for bail by the petitioner in GR No. 2565 of 2024 in connection with Desari (Sahdei) P.S. Case No. 171 of 2024 for the offences registered under Section 365 of the IPC however Charge sheet has been submitted under Section 364, 302, 201, 120b, 34 of the Indian Penal Code.

03. Briefly stated facts of the case is that the informant Priyanka Devi lodged Desari P.S. Case No. 171 of 2024 under Section 365 of the IPC against unknown when her 8 year old son went missing. Subsequently, the dead body of the missing child was recovered and names of the petitioner and other coaccused persons transpired for being involved in the murder of the minor son of the informant. Charge sheet has been submitted under Section 364, 302, 201, 120B, 34 of the IPC. The petitioner was apprehended and has been in protective custody since 26.05.2024. The learned J.J. Board determined the age of the petitioner vide its order dated 20.07.2024 and declared the age of the petitioner on the date of occurrence to be 15 years and thus the petitioner was found to be a child in conflict with law (in short "CICL").

04. Subsequently the prayer for bail was made on behalf of the petitioner but the learned Juvenile Justice Board, Vaishali at Hajipur rejected the prayer of the petitioner vide



order dated 19.10.2024 passed in J.J.B. No. 135 of 2024 arising out of Desari P.S. Case No. 171 of 2024. Feeling aggrieved by the rejection order, the petitioner approached the learned court of Additional Sessions Judge-I-cum-Special Judge Children Court, Vaishali at Hajipur in Cr. Appeal No. 17 of 2025 but the learned appellate court also dismissed the appeal vide its order/judgement dated 08.08.2025 and thus rejected the prayer for grant of bail of the petitioner and upheld the order of the learned J.J. Board, Vaishali at Hajipur. Against the rejection orders, the petitioner has filed the present revision petition.

05. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The FIR was registered against the unknown persons and subsequently the petitioner's name transpired in this case. The learned appellate court observed that there was chance of physical harm coming to the petitioner due to land dispute with the informant and it was in the best interest of the petitioner to keep him in observation home. The same was mentioned in the social investigation report. Learned appellate court also recorded its finding that as the informant and the petitioner are co-villagers and allegation against the petitioner is that he murdered the 08 year old son of the informant in



revenge, if the petitioner is released on bail, there would be danger to the safety and security of the petitioner. More or less this was also the view of the learned J. J. Board. But the said view is not correct. The said reasoning is based on presumption and not on any substantive material. Learned counsel further submits that no material has been collected by the police during investigation against the petitioner and only on the basis of confessional statement of coaccused persons, the petitioner has been named in this case. Mother of the petitioner is ready and willing to take care of the petitioner and she undertakes that petitioner would not come in association with any criminal. A number of coaccused persons have been granted bail by a Coordinate Bench of this Court vide order dated 21.02.2025 and 20.11.2024 passed in Cr. Misc. No. 84296 of 2024 and Cr. Misc. No. 6210 of 2024, respectively. Learned counsel further submits that the petitioner is having clean antecedent and he is in custody since 26.05.2024. Thus, the learned counsel submits that the impugned order is bad and the same needs to be set aside and the petitioner may be enlarged on bail.

06. Learned counsel appearing on behalf of the State and opposite party no. 2 vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the



opposite party no. 2 submits that release of the petitioner would not serve any useful purpose and it would not be good for his betterment as he would be put under guardianship of his mother but the mother of the petitioner is also accused in connection with Desari P.S. Case No. 171 of 2024. If the mother is also facing charges of murder, the same would frustrate the reformatory aspect of the matter. There is no chance for reformation in the child in conflict with law by putting him back to his home.

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

08. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short “the J.J. Act”) makes it clear that gravity and nature of offences are immaterial for consideration of grant of bail to a CICL. Bail could be denied to the child in conflict with law only on the reasonable grounds for believing that that enlarging him on bail would bring him into association with any known criminal or expose the said person to moral, physical or psychological danger or his release would defeat the ends of justice. In the instant case, the petitioner bears clean antecedent and except for the revenge angle there is no other ground given for rejection of the prayer for grant of bail to



the petitioner/CICL. Further there is no substantive material on record to show that there was moral, physical or psychological danger to the petitioner or that the release of child would expose him to known criminal and frustrate the ends of justice. It seems merely on apprehension that the 08 year old son of the informant was killed by the petitioner and others, the petitioner might come to harm if released on bail. But this is mere apprehension and is not supported by any material available on record. It has been submitted by the learned counsel appearing on behalf of the opposite party no. 2 that mother of the petitioner is also facing charges of murder of son of the informant but the mother has been allowed bail as specific averment in this regard is submitted in paragraph 14 of the petition. Allowing a CICL to be in the care of his family members is always better instead of institutionalization of such child as it has been seen that development of child in conflict with law and his betterment is best insured by keeping him in the home environment. Even the principles laid down under Section 3 (i), (iv)&(v) of the J.J.Act make it clear that the interest of the child is paramount and all possible steps should be taken for reformation of child. 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.”

09. 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, institutionalization is not in the best interest of child and should be shunned. Therefore, the petitioner/CICL deserves to be sent to home instead of keeping him in protective custody.

10. 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**. Accordingly, the Judgment dated 08.08.2025 passed by the learned District & Additional Sessions Judge-I-cum-Special Judge (Children Court), Vaishali at Hajipur and order dated 19.10.2024 passed by the J.J. Board, Vaishali at Hajipur are set aside and present



revision petition is allowed.

11. Accordingly, the petitioner/CICL 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, Vaishali at Hajipur/concerned court, in connection with J.J.B No. 135/2024 arising out of Desari(Sahdei) P.S. Case No. 171 of 2045, 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.*

12. 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

