

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1205 of 2025

Arising Out of PS. Case No.-307 Year-2022 Thana- SAMASTIPUR District- Samastipur

X1

... .. Petitioner/s

Versus

1. The State of Bihar
2. Y1

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Shashi Sharma, Advocate Mr. Nawazul Haque, Advocate Mr. Nihal Beg, Advocate
For the Respondent/s	:	Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 23-06-2026

Heard learned counsel for the petitioner and learned APP for the State. Though notice has been received by the brother of the opposite party no. 2, there is no representation on her behalf.

2. 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. Further, the informant/opposite party no. 2 is also a minor and her is being disclosed in the petition, which is also against the statutory



provisions prescribed under the law. Therefore, the identities of the petitioner/CICL and the informant/opposite party no. 2 are being referred to in the cause title as 'X1' and 'Y1', respectively.

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 application has been preferred by the petitioner under Section 102 of the Act of 2015 challenging the order dated 22.07.2025 passed in Cr. Appeal No.26 of 2025 by the learned Additional Sessions Judge-1st-cum-Special Judge, Children Court, Samastipur whereby the order dated 17.06.2025 passed by the Juvenile Justice Board, Samastipur in JJB Case No.3727 of 2023 arising out of Samastipur Nagar P.S. Case No. 307 of 2022 registered for the offences punishable under Sections 376, 506, 379/34 of the Indian Penal Code and Sections 4/6 of the POCSO Act has been affirmed and the appeal preferred by the petitioner has been dismissed.

5. As per prosecution case, the minor informant Y1 instituted Samastipur Nagar P.S. Case No. 307 of 2022 for the offences under Sections 376, 506, 379/34 of IPC and Sections 4 & 6 of the POCSO Act. In her written report, she alleged that she came in contact with the petitioner and developed intimacy with him. Subsequently, the petitioner took her to a hotel room where



he sexually assaulted her and also prepared a video of the act. Thereafter, the petitioner started blackmailing the informant giving threat of making the video viral and the petitioner started extorting money and ultimately, made her handover some gold ornaments of her family.

6. After registration of the FIR, the petitioner was arrested on 23.05.2025. The petitioner claimed himself to be juvenile on the date of commission of offence. The Juvenile Justice Board, Samastipur determined the age of the petitioner X1 to be 16 years 01 month and 06 days on the date of commission of the offence and declared the petitioner as CICL vide order dated 23.05.2025.

7. The petitioner moved for grant of bail before the Juvenile Justice Board, Samastipur. The Board rejected his application for bail vide order dated 17.06.2025.

8. Being aggrieved by the order dated 17.06.2025 passed by the Juvenile Justice Board, Samastipur, the petitioner preferred appeal in the court of learned 1st Additional Sessions Judge-cum- Special Judge, Children Court, Samastipur. The appellate court vide order dated 22.07.2025 dismissed the appeal and upheld the order passed by the Juvenile Justice Board, Samastipur.

9. Being aggrieved by the dismissal order dated



22.07.2025 passed by the appellate court, the petitioner has moved the present revision petition before this Court.

10. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case and he is innocent. The deposition of the informant/victim has been recorded by the learned appellate court and she did not support her case. She rather stated that she gave statement before the court under pressure of her family members. Learned counsel further submits that, thus, it is clear from her statement that the petitioner has no involvement in the whole occurrence. Learned counsel further submits that even during investigation, no video has been brought on record for which the informant claims she was being blackmailed. The informant was in love with some other boy and has solemnized the marriage with him and at the time of deposition, she came with her husband. Learned counsel further submits that the medical report does not support sexual assault as no sign of sexual assault was found and it also appears from medical report that the prosecutrix might be major on the date of alleged occurrence. All these facts go on to show that the petitioner has been falsely implicated in this case at the instance of the family members of the informant as the petitioner was on inimical terms with the parents of the informant. Learned counsel further



submits that the learned Juvenile Justice Board as well as the learned appellate court refused to grant bail to the petitioner merely on assumption. The learned JJ Board rejected the prayer for bail mainly on the basis of Social Investigation Report (SIR) wherein it has been mentioned that there was lack of parental guidance and pampering leading to CICL's association with other boys in the area with criminal behavior resulting in unlawful act. It has also been mentioned in the SIR that there was lack of communication with parents and lack of gender sensitization. But there are no material to make such inference and it is only based on presumption. Similarly, the learned appellate court held that the release of the CICL would allow him to come into association with any known criminals and his release would defeat the ends of justice but again there was no material for arrive at such conclusion. Learned counsel further submits that the petitioner has become major and he himself undertakes that he would not indulge in any unlawful activity and would not join any antisocial elements. The petitioner is in custody since 23.05.2025. 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.



11. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is serious allegation against the petitioner for committing rape and blackmailing the victim. Learned APP further submits that the SIR is against the release of the petitioner. Thus, the learned APP contends that there is no infirmity in the orders of the learned courts below and said orders have been passed after due consideration of facts and law involved in the case.

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

13. 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.

14. 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.

15. 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.

16. In the present case, though SIR talks about lack of parental guidance and association of the petitioner with criminals



and also lack of gender sensitization, there appears no substantive material to make such inference. Further taking into consideration the deposition of the informant/victim wherein she completely absolved the petitioner of any wrong doing, I am of the considered opinion that the impugned orders could not be sustained and the petitioner could be enlarged on bail. The nature and gravity of offence cannot be made a ground to refuse bail to a CICL as held in case of ***Lalu Kumar & Ors.*** (Supra).

17. Accordingly, the order dated 22.07.2025 passed in Criminal Appeal No. 26 of 2025 by the learned Additional Sessions Judge-1st-cum-Children Court, Samastipur is set aside. Consequently, the order dated 17.06.2025 passed by the learned Juvenile Justice Board, Samastipur in JJB Case No. 3727 of 2023 arising out of Samastipur Nagar P.S. Case No. 307 of 2022 rejecting the prayer for bail of the petitioner is also set aside.

18. The petitioner 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, Samastipur/concerned court in connection with JJB Case No. 3727 of 2023 arising out of Samastipur Nagar P.S. Case No. 307 of 2022, 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 the petitioner shall give undertaking that he shall not indulge in any unlawful activity and would not join any antisocial elements.

(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)

Ashish/-

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

