IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4711 of 2025

CNR No. BRHC011207102025

Arising Out of PS. Case No.-477 Year-2020 Thana- TURKAULIYA District- East Champaran

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Raj Kumar @ Raj Kumar Sahani S/o- Sri Yadav Lal Sahani R/v- Raghunathpur Ps- Raghunathpur OP Dist- East Champaran

... ... Appellant/s

Versus

1. The State of Bihar
2. Kavita Devi W/o- Late Vinay Chaudhary R/v- Raghunathpur, W.No-4, Ps- Raghunathpur OP Dist- East Champaran

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Sagar Kumar, Advocate
For the Respondent/s : Mr.Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

9 19-11-2026 1. Heard the learned counsel for the appellant and the learned APP for the State Mr. Mukeshwar Dayal.

2. Learned counsel for the appellant, at the outset, submits that before making his submission on merit of the case, it is pertinent to submit that Section 12 of the J.J. Act, 2015 provides for grant of bail to the accused irrespective of the fact whether the crime alleged is bailable or non-bailable or even heinous, it is next submitted that there are only three exceptions to the grant of bail.

(i) If there appears reasonable grounds for believing that the release is likely to bring the accused into association

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with any known criminal.

(ii) If it exposes them to moral, physical or psychological danger.

(iii) If the release defeats the ends of justice.

3. It is submitted that the Board is required to record reasons for denying the bail and the circumstances that led to such a decision. It is further submitted that mere gravity of the offence by itself is not a sufficient ground to refuse bail, it must also be demonstrated that detention is necessary for the child's rehabilitation, protection or to prevent interference with judicial process. It is further submitted that statutory presumption is in favour of bail and the same can be rebutted only if compelling reason exists. It is next submitted that Section 12 of the J.J. Act, 2015 applies to all juvenile in conflict with law without any discrimination of any nature, the family is considered the best and most desirable place for ensuring the welfare and rehabilitation of the child. It is further submitted that J.J. Act, 2015 prioritises the welfare and rehabilitation of the child over retributive concern, the Act emphasises that bail for a child must be assessed within the protective and reformative object rather than through an adversial lens.

4. Learned counsel appearing on behalf of the

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appellant submits that instance criminal appeal has been preferred by the appellant against the order dated 22.02.2025 passed by the 1st Additional Sessions Judge-cum-Special Judge, Children's Court, East Champran at Motihari in Children Trial No. 13 of 2024 arising out of Turkauliya (Raghunathpur O.P.) PS FIR No. 477 of 2020 dated 18.07.2020 registered under Sections 307, 302, 120(B) and 34 of the IPC, whereby prayer of the appellant for regular bail has been rejected. It is next submitted that informant alleges that there is a dispute for homestead land between the informant and accused Yadav Lal Sahani, for which Panchayati was convened, but accused Yadav Lal Sahani did not accept the Panchayati, further on 17.07.2020 at about 07:00 PM on account of the aforesaid dispute, accused persons namely Jitendra Sahani and Dharmendra Sahani @ Bhola Sahani came at her door and started abusing, on protest, all the FIR named accused persons including the appellant holding weapon in their hand came and Jitendra Sahani with an intent to commit murder assaulted the husband of the informant by knife causing injury on neck, rib and chest, while Yadav Lal Sahani assaulted the brother-in-law of the informant by knife causing injury on forehand and left hand, thereafter Dharmendra Sahani @ Bhola Sahani assaulted another brother-in-law of the

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informant by *gupti* causing injury on the backbone and hand, further appellant assaulted brother-in-law (Nandosi) of the informant namely Awadesh by knife causing injury on neck and hand, thereafter Suraj assaulted Suman Devi by knife causing injury on neck and hand. It is next alleged that Badal, Parvati and Anita also assaulted the family members of the informant by *dabila*, the injured were taken to hospital, but then husband of the informant died on the way.

5. Learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant who is aunt (*chachi*) of the appellant, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that a property dispute had ensued in between the family members of the informant and Yadav Lal Sahani. It is next submitted that appellant being son of Yadav Lal came to be implicated, it is further submitted that even presuming what has been alleged is true without admitting, then appellant is alleged to have assaulted Awadesh by knife causing injury on neck and hand, it is also submitted that there is no specific allegation against the appellant of assaulting the husband of the informant who died on way to the hospital. It is is next submitted that Dharmendra Kumar Sahani @ Bhola

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Sahani along with Anita Devi had approached this Court seeking regular bail by filing Criminal Misc. No. 47906 of 2025 and the same came to be allowed by an order dated 15.10.2025 passed by learned Co-ordinate Bench. It is further submitted that though allegation of assault against Anita Devi as alleged in the FIR is general and omnibus in nature, but then as far as Dharmendra Kumar Sahani is concerned, he is alleged to have assaulted brother-in-law of the informant by gupti causing injury on backbone and hand, while appellant is alleged to have assaulted Awadesh by knife causing injury on neck and hand. As such, the case of the appellant if not akin is similar to the case of Dharmendra Kumar Sahani.

6. Learned APP for the State Mr. Mukeshwar Dayal opposes the appeal and submits that yardstick for granting bail to a juvenile is different from the yardstick adopted for granting bail under Sections 438 and 439 of the Cr.P.C. It is next submitted that from perusal of the FIR it would manifest that the same was instituted on 17.07.2020 and the appellant was arrested on 12.02.2024, as such, appellant was absconding for nearly more than three years, it is next submitted that the case of the appellant based on preliminary assessment in terms of Section 15 of the J.J. Act, 2015 has been transferred to the

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Children's Court and the learned Presiding Officer Children's Court has also ratified the preliminary assessment of the appellant conducted under Section 15 of the J.J. Act. It is also submitted that even charges have been framed, as such, trial has commenced. It is further submitted that from perusal of the pleading made in the instant appeal it would manifest that appellant has not challenged his preliminary assessment under Section 15 of the J.J. Act nor its ratification under Section 19 by the learned Presiding Officer, Children's Court.

7. On query of the Court from the learned counsel appearing on behalf of the appellant that as to whether appellant has challenged his preliminary assessment report and the order of the learned Judge, Children's Court ratifying the same, the learned counsel appearing on behalf of the appellant fairly submits that the preliminary assessment report under Section 15 of the J.J. Act, 2015 and the order under Section 19 of the J.J. Act, 2015 ratifying the same by the learned Judge, Children's Court has not been assailed.

8. Learned APP for the State next submits that assessment of the Juvenile under Section 15 of the J.J. Act, 2015 is done with an intent to decipher his mental ability to commit an occurrence, physical ability to commit an occurrence,

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whether the juvenile understands the consequences of his action and the circumstance in which the occurrence was committed. It is thus submitted that since appellant is not aggrieved by his preliminary assessment that amply demonstrates that the same has attained finality. It is also submitted that from perusal of the order impugned, it would manifest that the same while rejecting the bail application of the appellant has considered the S.I.R. and S.B.R. It is submitted that from perusal of the same it would manifest S.I.R. records that the alleged offence was committed under the negative influence of the parents of the appellant, further the Probation Officer suggested that the cause of occurrence is negative influence of the parents, economical condition and land dispute, while S.B.R. in Column-25 has recorded that the appellant has committed offence in association with hardened criminals and thus it is necessary to keep him in observation home for improvement. It is reiterated and submitted that since appellant for more than three years was evading arrest that amply demonstrates that appellant had a matured mind and knew how to evade the police. It is further submitted that if privilege of regular bail is granted it would defeat the end of justice and will expose the appellant to moral, physical or physiological danger. It is also submitted that since

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charges have been framed, as such, the trial has commenced and in view of the report as recorded in the S.I.R. and S.B.R, it is not a fit case for grant of regular bail.

9. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned APP for the State, the Court is not inclined to release the appellant on bail rejected.

(Satyavrat Verma, J)

Nitesh/-

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