

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1248 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- TIKAPATTI District- Purnia

X1

... .. Petitioner

Versus

1. The State of Bihar
2. Nandni Devi Wife of Ratan Kumar, Resident of Baidra Tola (Tikapatti), P.S.-
Tikapatti, P.O.-Tikapatti, District- Purnea, Pin Code-854101.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Arun Kumar Mandal, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 23-06-2026

Present learned counsel for the petitioner as well as learned APP for the State. Despite filing of *vakalatnama* on behalf of informant / OP No. 2, there is no representation on behalf of the OP No. 2.

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 brevity, “the Act of 2015”), which mandates protection of disclosure of identity of the CICL. Therefore, the identity of the CICL is being referred to in the cause title as X1.

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 petition is directed against the order dated 03.11.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children's Court, Purnea, in Criminal Appeal No. 15 of 2025, whereby and whereunder the appeal was dismissed and the order of learned Juvenile Justice Board, Purnea dated 03.06.2025 passed in Tikapatti P.S. Case No. 25 of 2025 for offences punishable under Section 64 of the B.N.S., 2023 and Sections 4 and 6 of the POCSO Act has been affirmed and the appeal preferred by the petitioner has been dismissed.

5. As per prosecution case, Tikapatti P.S. Case No. 25 of 2025 has been instituted under Section 64 of the B.N.S., 2023 and Sections 4 and 6 of the POCSO Act on the basis of written report of informant Nandini Devi. In her written report informant had stated that the petitioner committed rape with her six year old daughter and also assaulted her. The petitioner has been taken into custody on 11.02.2025. In the course of enquiry, the learned J.J. Board, Purnea determined the age of the petitioner and found it to be thirteen years one month and nine days at the time of occurrence *vide* its order dated 24.06.2025 and declared the petitioner to be a CICL. Prior to that, the prayer for bail of the petitioner / CICL was rejected *vide* order dated



03.06.2025 by the learned J.J. Board.

6. Being aggrieved by the order dated 03.11.2025 passed by the Appellate Court, the petitioner / CICL has moved the present revision petition before this Court.

7. Learned counsel for the petitioner / CICL submits that the petitioner / CICL has been falsely implicated in this case due to previous land dispute. No occurrence as alleged in the FIR has ever taken place. The learned Appellate Court did not consider the fact that there was no adverse material or evidence available on record against the petitioner / CICL and for this reason reliance on social investigation report for making inference that if released on bail, the petitioner / CICL may repeat the same offence or might come in contact of criminal elements or bad influence or there was threat to the victim or the informant from the petitioner / CICL is not correct. He further submits that the social investigation report rather shows clean antecedent of the petitioner / CICL and his neighbourhood persons have given favourable opinion about the petitioner / CICL. Learned counsel further submits that another aspect of the matter is that the learned Appellate Court went by the nature and gravity of offence. However, the seriousness and gravity of offence cannot be made a ground for rejection under Section 12 of the J.J. Act. He further submits that the father of the petitioner / CICL undertakes that he would take care of his son and



would not let him come in contact with any criminal elements or bad influence that would expose him to moral, physical or psychological danger. He further undertakes that his son would not repeat the offence in future if released on bail. He further submits that the impugned order is not sustainable and the same may be set aside and the petitioner / CICL may be enlarged on bail.

8. Learned APP for the State vehemently oppose the submissions made on behalf of the petitioner / CICL and submits that during investigation the Police came to know that the petitioner / CICL indulged in unnatural sex with a child of six years and this shows the perverse nature of act of the petitioner / CICL.

9. I have given my thoughtful consideration to the rival submissions advanced by the parties and perused the record.

10. 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.

11. 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 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.

12. 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. The petitioner / CICL is having clean antecedent.

13. Accordingly, the order of the Appellate Court dated 03.11.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children's Court, Purnea in Criminal Appeal No. 15 of 2025 is set aside. Subsequently, the order of the learned J.J. Board in Tikapatti P.S. Case No. 25 of 2025 is also set aside.

14. Let the petitioner, a child in conflict with law, 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, Purnea / concerned Court in connection with Tikapatti P.S. Case No. 25 of 2025 , subject to the following conditions:

(i) One of the bailors will be the parents of the petitioner and the other bailor will also be relative of the petitioner having no criminal antecedent and shall give undertaking that he / she shall keep proper care and upkeep of the petitioner.

(ii) The petitioner shall remain present before the Board on each and every date of trial of the case fixed by the Board.

15. Accordingly, the present revision petition is allowed.



16. The office is directed to send back the LCR to the court concerned forthwith.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.06.2026
Transmission Date	25.06.2026

