

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1240 of 2025**

Arising Out of PS. Case No.-706 Year-2024 Thana- DHANARUA District- Patna

X1

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

**Appearance :**

|                    |   |                                                                                          |
|--------------------|---|------------------------------------------------------------------------------------------|
| For the Petitioner | : | Mr. Animesh Kumar, Advocate<br>Mr. Ravish Mishra, Advocate<br>Mr. Rakesh Kumar, Advocate |
| For the Respondent | : | Mr. Ajay Kumar Jha, 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.

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, 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 24.09.2025 passed by the learned District



and Additional Sessions Judge-I-cum-Special Judge, Children Court (Juvenile Court), Patna in Criminal Appeal No. 81 of 2025, whereby and whereunder the appeal was dismissed and the order of learned Juvenile Justice Board, Patna dated 16.07.2025 passed in J.J.B. Case No. 645 of 2025, arising out of Dhanarua P.S. Case No. 706 of 2024, having G.R. No. 2187 of 2024 registered for the offences punishable under Sections 103(1), 61, 238 and 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act has been affirmed.

5. As per prosecution case, Dhanarua P.S. Case No. 706 of 2024 was registered under Sections 103(1), 61, 238 and 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act on the basis of written report of one Shashiranjana Kumar, ASI. In the written report, informant has submitted that dead body of an unknown person was found who was shot dead. Subsequently the deceased was identified and the name of the petitioner and other co-accused persons transpired for being involved in the murder of the deceased. The petitioner was arrested on 09.06.2025 and *vide* order dated 16.07.2025 the petitioner was declared a child in conflict with law, assessing his age to be fourteen years, four months and twenty-eight days on the date of occurrence. Thereafter the petitioner / CICL moved before the learned J.J. Board seeking bail and the learned J.J. Board in J.J.B. Case No. 645 of 2025 *vide* its order dated 16.07.2025 rejected the



prayer of petitioner / CICL. Being aggrieved by the rejection order of the learned J.J. Board, the petitioner / CICL approached the Court of learned District and Additional Sessions Judge-I-cum-Special Judge, Children Court (Juvenile Court), Patna, in Criminal Appeal No. 81 of 2025 challenging the order of the learned J.J. Board. However, the appeal of the petitioner / CICL was dismissed by the learned Appellate Court on 24.09.2025. Against this order of dismissal, the petitioner / CICL has approached this Court in the instant revision petition.

6. Learned counsel for the petitioner / CICL submits that the petitioner / CICL has been falsely implicated in this case and he is innocent. The petitioner / CICL has been named in this case merely on the basis of suspicion and no material has come up against the petitioner / CICL showing his involvement or complicity in the offence as alleged. The petitioner / CICL has been named by the co-accused Rajiv Mahto in his confessional statement and the said co-accused has been granted bail by a learned co-ordinate Bench of this Court *vide* order dated 16.09.2025 passed in Cr. Misc. No. 34207 of 2025. Learned counsel further submits that the learned Appellate Court rejected the prayer for bail of the petitioner / CICL relying mainly on the SIR, which was also relied upon by the learned J.J. Board at the time of rejection of prayer for bail of the petitioner / CICL. But



there is no material on record to show that there was any chance for petitioner / CICL in again getting involved in such offence which would expose him to moral, physical and psychological danger or the ends of justice would be defeated. Learned counsel further submits that both the Courts below while rejecting the prayer for bail have recorded that in the best interest of CICL, it would not be proper to allow the prayer for bail of the petitioner / CICL and he should be kept in protective custody. He further submits that the father of the petitioner / CICL is no more, but the mother is there to look after the petitioner / CICL and view of the learned Court below that mother was not in a position to take the proper care for the petitioner / CICL is without any substance. He further submits that impugned order dated 24.10.2025 is not sustainable either in fact or otherwise. Learned counsel also submits that though the petitioner / CICL is having antecedent of two cases, but the cases are not of similar nature and existence of criminal antecedents should not come in the way of release of the petitioner / CICL as everybody should get a chance to reform himself.

7. Learned APP for the State opposes the submissions made on behalf of the petitioner / CICL and submits that the petitioner / CICL is accused in two cases and while on bail he committed the offence as alleged and there is every likelihood of



petitioner / CICL again getting involved in such type of occurrence considering his past conduct.

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

9. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides as under:

*“Section 12 – Bail to a person who is apparently a child alleged to be in conflict with law.*

*1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:*

*Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the persons release would defeat the ends of justice, and the Board shall record the reason for denying the bail and circumstances that led to such a decision.*

*2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home [or a place of safety, as the case may be] in such manner as may be prescribed until the person can be brought before a Board.*



*3) When such person is not released on bail under sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.*

*4) When a child in conflict with law is unable to fulfill the conditions of bail order within seven days of the order, such child shall be produced before the Board for modification of the conditions of bail.”*

10. The aforesaid provision mandates grant of bail to a CICL, except when there is apprehension that such a release would allow him to come in contact with known criminal elements or expose him to moral, physical or psychological danger or the release would defeat the ends of justice. Therefore, the provision of law for grant of bail is mandatory, subject to certain exceptions.

11. However, at the same time, Section 3(iv) provides that the welfare of the child is of paramount importance and the endeavour of the Court should be reformation of child. In the present case, it appears the learned Appellate Court as well as learned J.J. Board has not appreciated the SIR in its true perspective. There is material to show that there was complete failure of guardianship and the CICL could not be released under the supervision of such guardian as it would defeat the ends of justice. If there is no material to substantiate this presumption, the order dismissing the appeal and thus, refusing to grant bail to the CICL could not be sustained.



12. Though the petitioner is said to have antecedents of two cases, but it should always be the endeavour of the Court to allow the a CICL to have a brush with reformation as institutionalization should be the last resort. So far as the social investigation report of the petitioner / CICL is concerned, nothing has been brought on record to show that the release of the petitioner / CICL would result in the petitioner / CICL again coming in contact with criminal elements of the society or that he would be exposed to physical and psychological danger or that the ends of justice be defeated and society will get a wrong message. For making such observation, there must be some concrete material on record because the intention of the law is not to penalise the CICL, but to reform him and bring him in society as responsible citizen. Therefore, considering the facts and circumstances in totality, I am of the view that the impugned order could not be sustained.

13. Accordingly, the order of the Appellate Court dated 24.09.2025 passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, Children Court (Juvenile Court), Patna, in Criminal Appeal No. Criminal Appeal No. 81 of 2025 is set aside. Subsequently, the order of the learned J.J. Board in J.J.B. Case No. 645 of 2025, arising out of Dhanarua P.S. Case No. 706 of 2024, having G.R. No. 2187 of 2024 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, Patna / concerned Court in connection with J.J.B. Case No. 645 of 2025, arising out of Dhanarua P.S. Case No. 706 of 2024, having G.R. No. 2187 of 2024, 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.

**(Arun Kumar Jha, J)**

Shahnawaz/-

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