

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1261 of 2025

Arising Out of PS. Case No.-838 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

X1

... .. Petitioner

Versus

1. The State of Bihar.
2. Shashi Bhushan Singh, ASI Sadar Hajipur, Vaishali Bihar.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Raja Ram Rai, Advocate
For the State	:	Mr. Yogendra Kumar, 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 14.10.2025 passed by the learned 1st Additional Session Judge-cum-Special Judge, Children's Court,



Vaishali at Hajipur in Criminal Appeal No. 34 of 2025, CNR No. BRVA01-008888-2025, whereby and whereunder the appeal was dismissed and the order of learned Juvenile Justice Board, Vaishali at Hajipur dated 02.08.2025 passed in J.J.B. Case No. 40 of 2025, arising out of Hajipur Sadar P.S. Case No. 838 of 2024 for offences punishable under Sections 8(c) and 21(c) of the NDPS Act and Sections 25(1-b)a, 26 and 35 of the Arms Act has been affirmed and the appeal preferred by the petitioner has been dismissed.

5. As per prosecution case, Hajipur Sadar P.S. Case No. 838 of 2024 was registered on the basis of written report of Shashi Bhushan Singh, ASI, Hajipur Sadar Police Station registered under Sections 8(c) and 21(c) of the NDPS Act and Sections 25(1-b)a, 26 and 35 of the Arms Act. It has been alleged in the written report that on the basis of secret information three persons were found in suspicious conditions carrying a bag, a raid was conducted and two persons fled away and co-accused Amit Kumar was apprehended. From the possession of the co-accused, country-made loaded *katta* and one live cartridge and also a live cartridge from his pocket were recovered. Further recovery of 300 grams of smack was made from the bag seized from the possession of the co-accused. The co-accused disclosed the name of this petitioner and another co-accused Amit Kumar, who fled away



when the Police tried to apprehend them. The petitioner was taken into custody on 23.12.2024. The petitioner was declared CICL *vide* order dated 11.07.2025 passed by the learned J.J. Board, Hajipur and his age was assessed to be seventeen years, eight months and fourteen days on the date of occurrence. The petitioner moved before the learned J.J. Board for grant of bail, but his prayer was rejected by the learned J.J. Board *vide* order dated 02.08.2025 passed in J.J.B. Case No. 40 of 2025.

6. Being aggrieved by the order dated 14.10.2025 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 and he was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The implication of the petitioner / CICL in the present case is merely on suspicion. The learned Appellate Court as well as learned J.J. Board rejected the prayer for bail on the basis of social investigation report (SIR) and social background report (SBR). But, merely on the fact that the petitioner / CICL is having antecedent of four cases, it could not be stated that the petitioner / CICL is incorrigible and is a habitual offender. It has been presumed by the



learned Appellate Court as well as learned J.J. Board that due to lack of guardianship the petitioner / CICL has fallen into bad society of criminal elements and under their influence he has been indulging in serious nature of offences. Similarly, there is no material on record to show that allowing the petitioner / CICL to be released on bail would again expose him to society in which he suffered moral decline. Further holding that environment and company of the petitioner / CICL was not good and for this reason he drifted from the mainstream may be taken to be true, the petitioner being a CICL must be given an opportunity to reform himself. The parents of the petitioner / CICL undertake to take care of him and then further undertake that the petitioner / CICL would not be allowed to fall in bad company again. He further submits that the co-accused who was apprehended from the spot and who named this petitioner / CICL have been granted bail by a learned co-ordinate Bench of this Court *vide* order dated 28.07.2025 passed in Cr. Misc. No. 46099 of 2025. Likewise, another similarly placed co-accused, Ankit Kumar has also been granted bail by this Court *vide* order dated 18.06.2025 passed in Cr. Misc. No. 37341 of 2025.

8. Learned APP for the State vehemently oppose the submissions made on behalf of the petitioner / CICL and submits that petitioner / CICL appears to be habitual offender and has



antecedent of four cases of serious nature. If he is enlarged on bail, he may again join his associates who are all criminals and in their company, the petitioner / CICL has been involved commission of a number of offences.

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 Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 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.

13. Considering the mandate of law that mandate of law that if the CICL should be given opportunity for reformation, the existence of criminal antecedent of the petitioner / CICL should not come in way of his release on bail so as to allow him an opportunity to reform himself. Moreover, except for the criminal antecedent, there is no other material to show that there was strong



possibility of petitioner / CICL falling in bad company again or that he would be exposed to any moral, physical or psychological danger or his release would defeat the ends of justice. Further, petitioner / CICL was not apprehended from the spot and no incriminating article was recovered from his possession and the person who was apprehended from the spot has been granted bail by a learned co-ordinate Bench of this Court. All these facts considered in totality makes the impugned order dated 14.10.2025 passed by the learned Appellate Court unsustainable.

14. Accordingly, the order of the Appellate Court dated 14.10.2025 passed by the learned 1st Additional Session Judge-cum-Special Judge, Children's Court, Vaishali at Hajipur in Criminal Appeal No. Criminal Appeal No. 34 of 2025 is set aside. Subsequently, the order of the learned J.J. Board in J.J.B. Case No. 40 of 2025, arising out of Hajipur Sadar P.S. Case No. 838 of 2024 is also set aside.

15. 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, Vaishali at Hajipur / concerned Court in connection with JJB Case No. J.J.B. Case No. 40 of 2025, arising out of Hajipur Sadar P.S. Case No. 838 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.

16. Accordingly, the present revision petition is allowed.

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

18. Since it is a matter of 2024, the learned Juvenile Justice Board, Vaishali at Hajipur is directed to take up steps for early conclusion of trial and try to conclude the same at the earliest and send a report to this Court after conclusion of the trial, preferably within six months from the date of order.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	N/A
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