

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1278 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- KUWARI District- Araria

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1. XXXXX @ XXXX S/o Kundan Sharma R/o Village - Sundari, Dumariya, Ward no. 08, P.S.- Kuwari, District - Araria Living under guardianship of his mother namely Sonmati Devi, aged about 29 Years, Female, W/o Kundan Sharma, R/o Village - Sundari, Dumariya, P.S - Kuwari, District - Araria
 2. YYYY @ YYYY S/o Arjun Sharma R/o Village - Sundari, Dumariya, P.S.- Kuwari, District - Araria Living under guardianship of his mother namely Dukhni Devi, aged about 35 Years, W/o Arjun Sharma, R/o Village - Sundari, Dumariya, P.S - Kuwari, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramod Sharma S/o Darshan Lal Sharma R/o Village - Sundari, Ward No. 08, P.S - Kuwari, District - Araria

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Madhav Jha, Advocate
For the State	:	Mr.Shahabuddin Azeem @ S. Azeem, APP
For the Informant/O.P.No.2:		Mr. Mrigendra Kumar, Advocate
		Mrs. Kusum Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-06-2026

Heard learned counsel for the petitioners, learned
APP for the State and learned counsel appearing on behalf of the
informant/opposite party no. 2.

02. The instant criminal revision application has
been preferred by the petitioners under Section 102 of the Act of



2015 challenging the judgment dated 12.09.2025 passed in Criminal Appeal No. 24 of 2025 by the learned Additional Sessions Judge-I cum Special Judge (Children Court), Araria, whereby the order dated 03.05.2025 passed by the learned Juvenile Justice Board, Araria in JJB Case No. 19 of 2025 arising out of Kuwari P.S. Case No. 08 of 2025 has been affirmed and the appeal preferred by the petitioners has been dismissed.

03. Learned counsel for the petitioners submits that the petitioners have been made accused in Kuwari P.S. Case No. 08 of 2025 which has been instituted on the basis of fardbeyan of Pramod Sharma. The informant alleged that the petitioners and other co-accused persons murdered his minor son and threw his dead body in a pond. The petitioners were apprehended on 19.02.2025. The learned Juvenile Justice Board assessed the age of the petitioners and vide order dated 12.03.2025 recorded its finding that the petitioners were children in conflict with law ('CICL') as they were aged about 11 years 10 months 18 days and 12 years 10 months 21 days, respectively on the date of occurrence. The learned Juvenile Justice Board rejected the prayer of the petitioners for bail vide order dated 03.05.2025. Against the rejection order, petitioners approached the court of learned Additional Sessions Judge-I



cum Special (Children Court), Araria by filing Criminal Appeal No. 24 of 2025. However, the learned appellate court also dismissed the prayer for bail of the petitioners and rejected the criminal appeal. Feeling aggrieved by the order by the learned appellate court, the petitioners have approached this Court in the instant criminal revision.

04. Learned counsel for the petitioners further submits that the orders passed by learned Juvenile Justice Board as well as learned appellate court are not sustainable as the orders have been passed against the fact and law. The learned appellate court failed to appreciate that the petitioners are innocent and it is a case of false implication. Learned Juvenile Justice Board went on to hold that the release of the petitioners would not be in the best interest of the petitioners and would expose them to physical and psychological danger. At the same time, learned appellate court rejected the prayer for bail considering the nature of allegation, present stage of the case and also on the ground that the release of the petitioners was likely to bring them into association with known criminals or expose them to moral, physical or psychological danger but there is hardly any material to show that there was physical or psychological danger to the petitioners. The nature and gravity



of the offence is immaterial for grant of bail to a child in conflict with law as has been made clear by Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. 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***. Learned counsel further submits that the parents of the petitioners are ready to take care of their child. The petitioners have got clean antecedent. The petitioners are in custody since 19.02.2025 and cognizance has been taken.

05. Learned APP for the State as well as learned counsel for the informant/opposite party no. 2 vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the opposite party no. 2 submits that there is specific allegation against the petitioners that they killed the minor son of the informant and threw his dead body in a pond. If the petitioners are released on bail, it would defeat the ends of justice.

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

07. 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.

08. 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.

09. 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.

10. From the record, I find that the petitioners were CICL at the time of occurrence and they remained in custody for more than one year and four months and bear clean antecedent. From the order of the learned appellate court, I hardly find any material to show that there is any basis before the learned appellate court to arrive at its finding that release of the petitioners would allow them to come in contact with their previous associates and their social, physical and psychological well being would come to any harm and the ends of justice would be defeated. Moreover, the purpose of the Act of 2015 is the reformation of the child and the institutionalization of a CICL is a matter of last resort and could not be employed to thinking that such custody would be for betterment of the child and would psychologically make him a good citizen. This is possible



only under the guardianship of the parents and other family members. Further, the nature of offence cannot be made a ground to refuse bail to a CICL as held in case of ***Lalu Kumar & Ors.*** (Supra).

11. Keeping these facts into mind, the orders impugned cannot be sustained.

12. Accordingly, the judgment dated 12.09.2025 passed in Criminal Appeal No. 24 of 2025 by the learned Additional Sessions Judge-I cum Special Judge (Children Court), Araria is set aside. Consequently, the order dated 03.05.2025 passed by the learned Juvenile Justice Board, Araria in JJB Case No. 19 of 2025 arising out of Kuwari P.S. Case No. 08 of 2025 rejecting the prayer for bail of the petitioners is also set aside.

13. The petitioners, CICL, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Araria/concerned court in connection with JJB Case No. 19 of 2025 arising out of Kuwari P.S. Case No. 08 of 2025, subject to the following conditions:

(i) One of the bailors will be the parents of the petitioners and other bailor will also be relative of the petitioners having no criminal antecedent and shall give



undertaking that he/she shall keep proper care and upkeep of the petitioners.

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

14. The revision petition stands allowed.

(Arun Kumar Jha, J)

DKS/-

AFR	NAFR
CAV DATE	NA
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