

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1265 of 2025

Arising Out of PS. Case No.-553 Year-2024 Thana- NARPATGANJ District- Araria

Child in Conflict with law (Herinafter CICL)Paras Kumar @ Paras Kumar
Yadav Minor Son of Amrendra Yadav D.O.B. - 05-04-2010, R/o Village -
Fatehpur, P.O. - Jharkhara, PS. - Narpatganj, Dist. - Araria, under the
guardianship of sister namely Khusbu Kumari(Female - 21 years), W/o Laltu
Kumar, R/o Village - Jiwachpur - Ward no. 02, P.S. - Chhatpur, Dist. - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Binod Kumar Son of Late Sahitlal Yadav R/o Fatehpur Jharkaha, W.N. - 21,
P.S. - Narpatganj, Dist. - Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate
For the Respondent/s	:	Mr.Rajendra Nath Jha, APP
For the Informant/O.P. No.2:	:	Mr. Vijay Kumar Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-06-2026

Heard Learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant/opposite
party no. 2.

02. The instant criminal revision application has been
preferred by the petitioner under Section 102 of the Act of 2015
challenging the judgment dated 06.10.2025 passed in Criminal
Appeal No. 25 of 2025 by the learned Additional Sessions Judge-
I cum Special Judge(Chidren Court), Araria, whereby the order
dated 11.06.2025 passed by the learned Juvenile Justice Board,



Araria in JJB Case No. 132 of 2024 arising out of Narpatganj P.S. Case No. 553 of 2024 has been affirmed and the appeal preferred by the petitioner has been dismissed.

03. The learned counsel for the petitioner submits that Narpatganj P.S. Case No. 553 of 2024 has been instituted on the written report of the informant Vinod Kumar, wherein the informant alleged that his wife was done to death by the petitioner/CICL and his other family members instigated him to kill his wife. The petitioner surrendered on 10.12.2024 and he was declared a child in conflict with law (CICL) vide order dated 07.01.2025 by the learned Juvenile Justice Board, Araria. Thereafter, his prayer for bail was rejected by the learned Juvenile Justice Board, Araria vide the order dated 11.06.2025. Aggrieved by the rejection order of Learned Juvenile Justice Board, the petitioner moved before the court of learned Additional Sessions Judge-I cum Special Judge (Children Court), Araria in Criminal Appeal No. 25 of 2025 but in vain as the learned appellate court also rejected his prayer for bail while upholding the order of the learned Juvenile Justice Board by its order dated 06.10.2025. Feeling aggrieved by concurrent orders of rejection, the petitioner approached this Court in the instant revision petition.

04. The learned counsel for the petitioner further



submits that the prayer for bail of the petitioner was rejected by the learned appellate court as well as the Juvenile Justice Board without properly appreciating the facts and circumstances and without considering the law on this point. There is no eye-witness to the occurrence and the informant in his written report has stated that he was outside the State and returned to his house on hearing about the murder of his wife. There is much delay in the registration of FIR that has remained unexplained. The informant is none other than the own uncle of the petitioner. Taking advantage of death of his wife, the informant has roped all the family members of the petitioner. The so called eye-witness is the younger daughter of the informant and the FIR was registered after deliberation and afterthought. Therefore, the petitioner was made accused in the case merely on suspicion and with ulterior motive. Learned counsel further submits that the petitioner has got clean antecedent and none of the conditions for refusal of bail to a child in conflict with law is present in the instant case. There is no chance of petitioner coming into contact with known criminal and there is no possibility of any mental, physical or psychological danger to the petitioner or his release defeating the ends of justice. Learned counsel further submits that both the courts, learned



Appellate Court as well as learned Juvenile Justice Board, though mentioned that there was lack of guardianship in the family and came to a finding that there might be mental, physical and psychological danger to the petitioner, there is no substantive material to support this finding. At the same time, the learned Appellate Court holding that there was chance of retaliation by the other side is also without any material on record. Learned counsel also submits that the lack of interest of the guardians of the petitioner in receiving the police papers has also been cited as one of the instances refusing release of the petitioner in the guardianship of his parents is also not sustainable as the parents of the petitioner have also been made accused in this case and they have recently been enlarged on bail. Therefore, the order dated 06.10.2025 of the learned appellate court and order dated 11.06.2025 of the learned Juvenile Justice Board are not sustainable. 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 also submits that sister of the CICL, who is not an accused in the case, is ready to take the petitioner under her guardianship and will ensure that the



petitioner does not fall in that company or any harm to come his way.

05. Learned APP for the State as well as learned counsel appearing on behalf of the informant/opposite party no.2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant/opposite party no. 2 further submits that there is direct allegation against the petitioner that he assaulted his own aunt with sword and murdered her. Learned counsel also submits that the learned appellate court has noted in its order that the guardians of the petitioner are nor showing any interest and did not even receive any police papers and subsequently, did not turn up to cross-examine the witnesses which shows the lack of interest by the guardians of the petitioner and there is every possibility that the release of the petitioner would frustrate 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. Now the learned appellate court as well as the learned Juvenile Justice Board has though mentioned the fact about the danger to mental, physical and psychological well-being of the child in conflict with law/petitioner herein and also about the disinterestedness of the guardians of the petitioner. Both these grounds are not sustainable. There is no material to show that there is mental, physical and psychological danger to the petitioner or other side would take retribution against the petitioner. The record does not support such findings. Therefore, I am of the view that the learned appellate court has erred on this point and the order of the learned appellate court is not sustainable. 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 used 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). The petitioner is having clean antecedent. The petitioner has remained in custody for more than one year and six months and charge sheet has been submitted.

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

12. Accordingly, the order dated 06.10.2025 passed in Criminal Appeal No. 25 of 2025 by the learned Additional Sessions Judge-I cum Special Judge (Children Court), Araria is set aside. Consequently, the order dated 11.06.2025 passed by the learned Juvenile Justice Board, Araria in JJB Case No. 132 of 2024 arising out of Narpatganj P.S. Case No. 553 of 2024 rejecting the prayer for bail of the petitioner is also set aside.

13. The petitioner, a CICL, is directed to 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, Araria/concerned court in connection with JJB Case No. 132 of 2024 arising out of Narpatganj P.S. Case No. 553 of 2024, subject to the following conditions:

(i) One of the bailors will be the parents of the petitioner and 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.

14. The revision petition stands allowed.

(Arun Kumar Jha, J)

DKS/

AFR/NAFR	NAFR
CAV DATE	NA
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