

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1380 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- CHUTIA SAHAYAK District- Rohtas

X1

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-06-2026

Heard learned counsel for the petitioner and 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 (for short ‘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 and online status are reflected in similar manner.

4. The instant criminal revision application has been preferred by the petitioner under Section 102 of the Act of 2015



challenging the order dated 07.11.2025 passed in Cr. Appeal No.44 of 2025 by the learned Additional Sessions Judge-1st-cum-Children Court, Rohtas at Sasaram whereby the order dated 14.07.2025 passed by the Juvenile Justice Board, Rohtas at Sasaram in JJB Case No.214 of 2025 arising out of Chhutiya P.S. Case No. 18 of 2025 registered for the offences punishable under Sections 103(1) of Bharatiya Nyaya Sanhita, 2023 has been affirmed and the appeal preferred by the petitioner has been dismissed.

5. As per prosecution case, on the basis of written report of Police Sub Inspector, Pramod Kumar Singh, Chhutiya P.S. Case No. 18 of 2025 was registered under Sections 103(1) of BNS against unknown. It is alleged in the written report that dead bodies of two ladies have been recovered and subsequently, the name of the petitioner and other co-accused person transpired for being involved in aforesaid crime.

6. The petitioner was arrested on 16.03.2025. The petitioner claimed himself to be juvenile on the date of commission of offence. The Juvenile Justice Board, Rohtas at Sasaram determined the age of the petitioner X1 to be 17 years 11 month and 13 days on the date of commission of the offence and declared the petitioner as CICL vide order dated 20.05.2025.

7. The petitioner moved for grant of bail before the



Juvenile Justice Board, Rohtas at Sasaram. The Board rejected his application for bail vide order dated 14.07.2025 passed in JJB Case No. 214 of 2025.

8. Being aggrieved by the order dated 14.07.2025 passed by the Juvenile Justice Board, Rohtas at Sasaram, the petitioner preferred Criminal Appeal No. 44 of 2025 in the court of learned 1st Additional Sessions Judge-cum-Children Court, Rohtas at Sasaram. The appellate court vide order dated 07.11.2025 dismissed the appeal and upheld the order passed by the Juvenile Justice Board, Rohtas at Sasaram.

9. Being aggrieved by the order dated 07.11.2025 passed by the appellate court, the petitioner has moved the present revision petition before this Court.

10. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no material against the petitioner to show his complicity. The allegation against the petitioner is not believable as the petitioner is physically handicapped by 80 percent. Learned counsel further submits that the allegation against the petitioner and co-accused is of honour killing of the sister of the petitioner and in order to save themselves, they also killed the eyewitness mother of the petitioner. But the allegation is also not believable that the



petitioner was anyway involved in murder of his sister by catching hold of her while his co-accused father strangled her considering the physical incapacity of the petitioner. Learned counsel further submits that learned JJ Board without discussing any material has observed that there was mental, physical and psychological danger to the petitioner if released on bail and also held that there was chance of petitioner coming in contact with criminal elements. But the petitioner is having clean antecedent and there is no record of any previous association with criminal elements. Further, there was no material to show any danger of any kind to the petitioner. The learned appellate court upheld the order of the learned JJ Board considering the enormity of allegation but under Section 12 of the JJ Act, grant of bail is mandatory unless the exceptions carved out in the proviso are attracted. The seriousness of allegation or gravity of offence could not be any consideration for refusal of bail to the petitioner. Learned counsel for the petitioner submits that the elder brother of the petitioner is ready to take care of petitioner and undertakes that he would not allow the petitioner to come into association with any known/unknown criminals or bad elements or the petitioner would be exposed to any moral, physical or psychological danger. Thus, the learned counsel submits that the orders impugned are not sustainable.



11. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is no infirmity in the orders of the learned courts below and said orders have been passed after due consideration of facts and law involved in the case and the appeal of the petitioner was rejected on completely valid ground. Learned APP further submits that the social background condition of the petitioner reflects that the petitioner, under the influence of his co-accused father, has committed the offence. It shows that the release of the petitioner would bring him into association of known criminal or he would further commit such type of offence.

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

13. 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.

14. 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.

15. 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.

16. In the present case, the learned appellate court entirely went by the enormity of the offence of double murder in which the petitioner is said to be an active participant. However, the provision under Section 12 of the JJ Act makes it very much clear that the seriousness of allegation or enormity of offence are no consideration for refusal of bail to the petitioner. Further, in the case of *Lalu Kumar & Ors. Vs. The State of Bihar & Ors, 2019 (4) PLJR 833*, it has been held that the nature of offence cannot be made a ground to refuse bail to a CICL. So far as observation made by the learned JJ Board and upheld by the learned appellate court about petitioner being exposed to any mental, physical or psychological danger is concerned, there is no material or reason discussed for such finding. Therefore, the orders impugned cannot be sustained.

17. Accordingly, the order dated 07.11.2025 passed in Criminal Appeal No. 44 of 2025 by the learned Additional Sessions Judge-1st-cum-Children Court, Rohtas at Sasaram is set aside. Consequently, the order dated 14.07.2025 passed by the learned Juvenile Justice Board, Rohtas at Sasaram in JJB Case No. 214 of 2025 arising out of Chhutiya P.S. Case No. 18 of 2025 rejecting the prayer for bail of the petitioner is also set aside.

18. 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, Rohtas at Sasaram/concerned court in connection with JJB Case No. 214 of 2025 arising out of Chhutiya P.S. Case No. 18 of 2025, subject to the following conditions:

- (i) One of the bailors will be the elder brother 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.*

19. The revision petition stands allowed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2026
Transmission Date	01.07.2026

