

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.825 of 2025**

Arising Out of PS. Case No.-87 Year-2023 Thana- JOGBANI District- Araria

XXXX

... .. Petitioner

Versus

1. The State of Bihar.
2. Rohit Kumar Singh S/o Late Lolin Singh, R/o- Indra Nagar, Ward No. -04, P.S.- Jogbani, Distt.- Araria.

... .. Respondents

Appearance :

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| For the Petitioner | : | Mr. Harsh Vardhan, Advocate |
| For the State | : | Mr. Md. Ataur Rahman, APP |
| For the OP No. 2 | : | Mr. Rakesh Kumar Samrendra, Advocate |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 02-02-2026

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

2. From perusal of record, it transpires that in the revision petition, the identity details of the Juvenile 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 juvenile in conflict with law. Therefore, the identity of the petitioner is being referred to in the cause title as XXXX.

3. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.

4. The present revision petition has been filed for grant of regular bail to the petitioner / child in conflict with law



challenging the order dated 14.05.2025, passed by learned Additional District & Session Judge-I cum Special Judge (Juvenile Court), Araria, in Cr. Appeal No. 10 of 2025, arising out of Jogbani P.S. Case No. 87 of 2023, dated 06.04.2023, registered under Section 307 / 34 of the Indian Penal Code, corresponding to Section 109 / 3(5) of the B.N.S., 2023, affirming the order dated 23.10.2024, passed by the learned Juvenile Justice Board, Araria, rejecting the bail of the petitioner *vide* JJB. No. 32 of 2024.

5. Briefly stated facts of the case leading to the institution of the present petition is that the opposite party no. 2 lodged a case *vide* Jogbani P.S. Case No. 87 of 2023 under Section 307 / 34 of the Indian Penal Code with the allegation that on 02.04.2023, after having dinner at around 10:30 PM, all the family members of the opposite party no. 2, including his younger brother, went to bed in their respective rooms. On 03.04.2023, at around 04:00 AM, his brother knocked on his door and when he opened the same, he found the face of his brother drenched in pool of blood. When he asked his younger brother to explain the reason for this injury, he replied that he received a call from one Md. Lal at around 03:00 AM, who asked him to come immediately to his old house situated at Indranagar, Ward No. 4. When he reached there, he found three FIR named co-accused persons including the petitioner / child in conflict with law (for brevity, "CICL") and one



unknown person already present there, who tried to forcibly take him somewhere, and when he opposed to the same, then Md. Lal, with an intention to kill, shot at him which hit him on the left side of his face causing injury. He somehow freed himself from their clutches and ran away from there. Meanwhile, Md. Eido also shot at him but the shot missed him.

6. Learned counsel for the petitioner / CICL submits that the petitioner / CICL is innocent and has falsely been implicated in the present case. The bail to the CICL can be denied only on three grounds; that there was danger of child falling in company of a criminal after his release or that releasing the child will result in moral, physical or psychological danger to the CICL or his release will defeat the ends of justice. However, there is no material on record to show that CICL has association with criminal elements. It has also been wrongly held that there was no guardianship for the CICL to prevent him from joining company of known criminals. The seriousness of offence could not be any ground for rejection of the bail. Even otherwise, there is no allegation of opening fire against this petitioner / CICL.

7. Learned counsel referred to the decision of the Hon'ble Supreme Court in the case of *Juvenile in conflict with law V v. The State of Rajasthan & Anr.*, arising out of Special Leave Petition (Crl.) No. 9566 of 2024, reported in *2024 SCC*



OnLine SC 5297, wherein the Hon'ble Supreme Court reiterated that where no findings are recorded to show that proviso to sub-section (1) of Section 12 was applicable, then the juvenile cannot be denied bail. Learned counsel further referred to the decision of Allahabad High Court in the case of *X Juvenile v. the State of U.P. & Anr., vide Neutral Citation No. 2024:AHC:65178*, in further support of his claim.

8. Learned counsel further submits that the impugned orders may be set aside and the petitioner / CICL be enlarged on bail.

9. Learned APP for the State as well as learned counsel for the opposite party no. 2 vehemently contend that the petitioner does not deserve to be enlarged on bail. Learned counsel for the opposite party no. 2 submits that there is specific allegation against this petitioner that he along with other co-accused persons tried to forcibly take away the brother of the opposite party no. 2. The learned Courts below have recorded their findings that the CICL has been in company of persons of criminal nature and it cannot be risked that after his release on bail, the CICL may join such criminal elements and there was lack of guardianship.

10. I have given my thoughtful consideration to the rival submission of the parties and have perused the record. Section 12 of the Juvenile Justice (Care and Protection of



Children) Act, 2015 reads 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 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 person's release would defeat the ends of justice, and the Board shall record the reasons 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 bail order, such child shall be produced before the Board for modification of the conditions of bail."

Therefore, bail to a CICL could be denied only on the grounds that such release would bring him in association with known criminals or such release would put the CICL in moral, physical or psychological danger or such release would defeat the ends of justice. In the present case, the prayer for bail was rejected on the basis of background investigation report / social investigation report, wherein the maturity of the CICL, lack of education, morality and other contributory factors have been mentioned for the present stage of the child. Apart from that, it has also been mentioned that there was lack of guardianship in the home of the CICL and there was moral, physical and psychological danger in case the CICL was enlarged on bail.

11. The purpose of the Juvenile Justice Act is reformation and rehabilitation of a CICL. Therefore, the paramount interest of child would reign supreme while considering his well-being and whether he could be enlarged on bail or not. Of course, child could be denied bail on certain grounds, but there must be supporting facts and also the presence of basis for such apprehension. Otherwise, it could not be denied



that the best place for the upkeep of the child is his own house and the same could not be ensured by putting the child at any observation home. The chances of reformation are much more at home rather than in any other institution. Though, it has been submitted that the CICL is having criminal antecedent, the same is not of much significance as even after having antecedent, a child could reform. If the family members of the CICL are ready to take up the custody of the child and ensure that he does not fall in bad company and give such undertaking, the child could be released and allowed to be sent to his home.

12. Therefore, in the light of these facts and circumstances, I am of the considered opinion that the CICL could be released on bail. Accordingly, let the petitioner / CICL be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Araria / concerned Court, in connection with JJB Case No. 32 of 2024, arising out of Jogbani P.S. Case No. 87 of 2025, subject to following condition:

(i) One of the bailors will be the father of the petitioner / CICL and shall give undertaking that he shall take proper care in upkeep of the petitioner.

13. Accordingly, the Judgment / order dated



14.05.2025 passed by the learned Additional District & Session Judge-I cum Special Judge (Juvenile Court), Araria and also the order dated 23.10.2024 passed by the learned Juvenile Justice Board, Araria are set aside and hence, the present revision petition stands allowed.

14. Office is directed to return the lower Court record forthwith, if any.

(Arun Kumar Jha, J)

Shahnawaz/-

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