

**IN THE COURT OF A.D.J.-1st-CUM-SPECIAL JUDGE (SC/ST  
& CHILDREN COURT), BUXAR**

**Criminal Appeal No.-04/2026**

Child In conflict with Law "A"

(As per mandate of Section 74 of J.J. Act Child In Conflict With Law will be addressed as CICL "A" hereinafter, though his name has been mentioned in the bail petition)

Vs

State of Bihar

(Arising out of Buxar (M) P.S. Case No. 232/2025)

[J.J.B. Case No.- 223/2025]

Ld. Special P.P. :- Shri Aziz Abbas (Spl. P.P.)

Ld. Counsel for the Defence :- Shri Shiv Prakash Narayan, Ld. Advocate

**Present :- Uday Pratap Singh**

A.D.J.- 1<sup>st</sup>-Cum-Special Judge,  
(SC/ST & Children Court), Buxar

**Date of Judgment :-10.03.2026**

**JUDGMENT**

1. The present criminal appeal has been preferred u/s-101 of the Juvenile Justice (care and protection of children) Act, 2015 against the impugned order dated 27.11.2025 passed by J.J.B. Buxar in J.J.B. Case no.-223/2025, arising out of Buxar (M) P.S. Case No. 232/2025, registered under Section 103, 61(2), 3(5) of B.N.S. 2023, section 27 Arms Act and subsequently added section 25(1-b)a, 26/35 of the Arms Act vide order dated 09.06.2025. The learned J.J.B., Buxar has dismissed the bail application of CICL "A" vide order dated 27.11.2025.
2. The prosecution case in brief is that informant Karan Kumar Yadav submitted a written application before S.H.O. of Buxar (M) police station it is alleged that on 26.05.2025 at about 11:15 hours he was going to meet officers of L& RCM at Chausa Power Plant in his black Thar vehicle. In the way he stopped at the shop of Chandan Chaurasiya's shop and purchased a water bottle while returning as he reached at the right side of the vehicle, in the meantime three persons on

a motorcycle came and started firing indiscriminately in which informant's brother Arjun Yadav received three bullet injury on back of his head, left buttock and right thigh. After receiving fire arm injuries the brother of informant fell down and the accused persons fled away towards Bechampurwa. He took his brother to Sadar Hospital, Buxar, where he was given first aid and was referred to Trauma Center, Varanasi but his brother died on the way. His brother was working as contractor in Chausa Power Plant and due to rivalry co-accused persons namely 1. Manoranjan Pandey @ Raja Pandey, 2. Amit Tiwari, 3. Dharmendra Tiwari, 4. Hariom Tiwari, 5. Guddu Tiwari, 6. Narendra Tiwari, 7. Om Pandey and 8. Munna Tiwari along with others have committed the murder of his brother. Prior to occurrence Manoranjan Pandey and his associates had threatened to kill his brother. After cremation, he gave written application to the police station on 28.05.2025. On the basis of the written application of the informant this instant case was registered. During the course of investigation CICL "A" was arrested, thereafter the case record of CICL "A" was transferred to J.J.B., Buxar. CICL "A" has been declared Juvenile by the J.J.B., Buxar vide order dated 28.08.2025.

3. The Learned JJB Buxar declared the CICL "A" a juvenile vide order dated 28.08.2025 as on the date of occurrence he was under 18 years of age. The CICL "A" preferred his bail application before learned JJB Buxar and the same was dismissed vide order dated 27.11.2025, hence the present criminal appeal has been preferred against the impugned order dated 27.11.2025 passed by learned JJB Buxar in JJB case no. 223/2025, arising out of Buxar (M) P.S. Case No. 232/2025.
4. The present criminal appeal has been filed on 10.02.2026 before learned Sessions Judge, Buxar and it was transferred to this court for hearing and disposal vide order dated 16.02.2026 passed by learned Sessions Judge.
5. Ld. Counsel for appellant submitted that impugned order dated 27.11.2025 is completely illegal and same is based on conjecture and surmises. Ld. Counsel further submitted that CICL "A" has falsely been implicated in this case on the basis of suspicion and due to village politics. The alleged facts written in confessional statement is

totally different from the trends of facts came in the investigation. The CICAL "A" is not named in the F.I.R. The complicity in this case is based on confessional statement of this appellant and co-accused which has got no value in the eye of law. The story as presented by the police in the confessional statement has no truth in it. The CICAL "A" is a student Graduate B.A. appearing) from a stable family background. His father is a teacher and there is no economic necessity for the CICAL "A" to engage in crime. The CICAL "A" has already undergone sufficient time in the observation home and his guardians are ready to furnish an affidavit for keeping him in good environment. Hence it is prayed to set aside the impugned order dated 27.11.2025 and to allow the present criminal appeal directing the release of the CICAL "A".

6. Ld. Special P.P. opposed the instant Appeal for setting aside the impugned order and further submitted that releasing of CICAL "A" on bail will bring him into association with known criminals and expose him to moral, physical or psychological danger and his release would also defeat the ends of justice.
7. For examining order dated 27.11.2025 of J.J.B., Buxar in J.J.B. case no.- 223/2025, it is apposite to reproduce the extract of Section 3 and 12 of J.J. Act, 2015:-

**“Section 3(i), (iv), (xii), (xiii). General Principles to be followed in administration of Act:-**

(i) Principle of presumption of innocence :- Any child shall be presumed to be an innocent of any malafide or criminal intent up to the age of eighteen years.

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(iv) Principle of best interest :- 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.

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(xii) Principle of institutionalisation as a measure of last resort :- A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

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(xiii) Principle of repatriation and restoration :- Every child in the Juvenile Justice System shall have the right to be re-united with his

family at the earliest and to be restored to the same socioeconomic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.

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**“Section 12(1). 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 or 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 end of justice, and the board shall records the reasons for denying the bail and circumstances that led to such decision.

X X X

**8. Hon'ble Patna High Court in the case of Lalu Kumar @ Lalbabu @ Lallu Vs State of Bihar, reported in 2019(4)833, (para-84) while explaining Section 12 of J.J. Act, 2015 laid down the following principle as stated in para 84 of the Judgment -**

**Para 84** “While interpreting Section 12, the Board is duty bound to be guided by the fundamental principles enumerated in Section 3 of the Act of 2015, specially the principles of 'best interest', 'repatriation' and 'restoration' of child. The fundamental principles in Section 3(xii) provides that a child shall be placed in institutional care as a step of last resort after making a reasonable inquiry. The gravity and nature of the offence are immaterial for consideration of bail under the Act of 2015. As per Section 12 of the Act of 2015, an application for bail is not decided by reference to classification of offences, as bailable or non-bailable under the Cr.P.C, now B.N.S.S. All persons alleged to be in conflict with law and apparently a child when apprehended must be released except in the following three circumstances when there is reasonable ground for believing that :-

(i) The release is likely to bring that person into association with

any known criminal;

(ii) The release is likely to expose the said person to moral or psychological danger; and

(iii) The release would defeat the ends of justice.”

**9.** Considering the aforesaid provision of Law as well as principle laid down in Lalu Kumar case, by Hon’ble Court. It is found that there is a chance of further education of CICAL "A" and there is no any reasonable ground for believing that his 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 release would defeat the ends of justice. Which are mandates of the section 12 of the J.J. Act.

From perusal of entire case record it appears that the CICAL “A” is not named in the F.I.R. and his name surfaced in this case on the basis of confessional statement of co-accused Biru @ Ajay Kumar Upahdaya which is mentioned in para no. 108 of the case diary. No overact has been alleged against the CICAL “A”. Moreover in the social investigation report it has also come that the SIR that the neighbour of CICAL “A” have not commented anything about him. There is no adverse remarks made against the CICAL “A” in the S.I.R. In the impugned order dated 27.11.2025 the learned Court below has not assigned any reasons as to how he would fall into association with any known criminal or expose him to moral, physical or psychological danger or how his release would defeat the ends of justice and thus the same seems to be a speculation only. Moreover the father of CICAL “A” undertakes that he will protect his child from bad elements of society and further take care of the welfare and education of the CICAL "A". According as mentioned S.I.R., the said CICAL “A” has been intentionally implicated in this case who is otherwise a student of B.A. (Part -II). There is no iota of anything against the said CICAL “A” either in the S.I.R. or report of Probation Officer. He is a student of B.A (Part-II). His relation has been cordial with all family members, relatives and friends as well. His physical and mental health has been satisfactory. The bail of co-accused CICAL “T” has been granted by the Hon’ble High Court, Patna passed in Criminal Misc. No. 87825 of 2025.

Hence, in the light of discussions as made above and in view of the best interest and overall development of CICAL "A", this Appeal is allowed and impugned order dated 27.11.2025 is set-aside. Let the CICAL "A" be released on bail on furnishing the bail bonds of Rs. 10,000/- (Ten thousand) with two sureties to the satisfaction of the Ld. J.J.B., Buxar

subject to condition that one of the bailors will be, mother/father of CICL "A" and further condition that he/she will file an affidavit at the time of furnishing bail bond that he/she will take due care of the CICL "A" and protect him from the bad elements and further provide him proper education.

Let the Trial Court record be sent back with a copy of this judgment. Appeal file consigned to Record Room after due compliance.

It is made clear that nothing in this Judgment shall be tantamount to expression of opinion on the merits of the case.

Dictated and corrected by me -

*Sd/-*

**(UDAY PRATAP SINGH)**

District & Addl. Sessions Judge- 1<sup>st</sup>

-Cum-Special Judge

(SC/ST & Children Court), Buxar.

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