

**In the Court of District & Addl. Sessions Judge-I  
cum P.O. Children Court, Gopalganj**

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**Criminal Appeal-26/2026**  
**Ref.: J.J.B. Case No-809/25**  
**Dated: 20.04.2026**

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Aash [Yadav@Aashu](#) Yadav@ Aash Kumar S/O Late Jawahir  
Chaudhari, aged about 17 yrs.

R/O-Bhagwanpur, P.S.-Kataiya, Distt.-Gopalganj

.....Appellant

Vs.

State of Bihar.....Respondent

Counsel for Appellant: Sri Rajeshwar Prasad,Ld. Adv.

Counsel for Respondent: Ms. Seema Rai,Ld. A.P.P.

**ORDER**

1.Instant juvenile appeal is directed against the order dated 21.02.2026 passed by Ld. J.J. Board, Gopalganj whereby appellant was refused to be released on bail by the Ld. Board citing various reasons.

2.It is submitted by the learned counsel for appellant/CCL that the Ld. J.J. Board has not acted into judicious manner while passing the impugned order. The learned Board should have taken the appellant's best interest into consideration, which is certainly not being served by keeping him into Observation Home or under any other confinement. Rather, he may be reformed and rehabilitated into more effective and satisfactory manner when he is allowed to live in the company of his parents and family. It is also submitted that appellant, not named in F.I.R. even has not assigned with any role and he is falsely implicated in this case due to some oblique motive. It is also submitted that **as per the provisions of J.J.Act as well as the law settled by Hon'ble Supreme Court, while considering the prayer of bail in case of juvenile, gravity and severity of the offence is not for consideration rather the interest of the**

**C.C.L is supreme.** There is no such materials on the record to draw such inference that appellant is likely to go into association of known criminals who are to expose him to moral and psychological danger. The learned board has passed the impugned order in utter machanical manner, against the interest of the appellant. That is so, because Ld. Board should have opted to keep the CCL into company of his parents and family to serve his best interests. But by confining him into Observation Home for indefinite period will seriously affect the course of his future. Even the family members, especially his parents are ready to file undertaking to take his proper care and keep him away from association of anti-social elements. They are also ready to undertake that they shall do everything and make every endeavor to make him career oriented. Since appellant is already in confinement since more than three and half months or so and his further detention may spoil his normal life, so the appeal may be allowed and appellant may be enlarged on bail.

### **Findings**

3. Case of Prosecution, as per the F.I.R. is that informant Arun Kumar, S.I. departed from P.S. on 19.11.25 along with police force in order to superwise the law and order situation in the area. During the course of patrolling he got a secret information about someone, by motorcycle, is coming from the side of U.P. with heavy quantity of liquor. At about 5.30 PM he spotted a motorcycle and asked to stop but rider tried to shoot the police picket. But, on being chased he fled away the scene leaving the bike. On being searched altogether 34.400 Litres liquor was recovered from the said motorcycle. The local Chowkidar identified the fled person as appellant/C.C.L.

4. Original case record called for from J.J. Board is available before this court. It is evident from its careful perusal that appellant was declared juvenile by the Ld. Board vide its order dated 11.02.26 on the basis of his DOB 03.01.08 shown in original Metriculation Mark-Sheet. It is also evident from the record that four more cases are registered against the appellant with three pertaining to Excise Act alleging illegal trafficking of

liquor. It is also evident that his father passed away some eight years back and so there is no effective family control over the appellant/CCL. Probably that's why he went into company of wrongdoers and indulged in such unlawful activities. It is also reported that not only in the family but people living in the surroundings, prefer earning to study. But the report denies prevalence of any criminal tendency in general among these people. So far as the CCL is concerned, his inclination towards unlawful activities appears a direct influence of the Peer Group he became part thereof since some time.

5. In order to arrive at a rightful conclusion Social Investigation Report submitted by D.P.O. was given an intensive and thoughtful consideration by this court. It is revealed in the report that there lacks effective family control over the C.C.L. that resulted into growth of indiscipline and arbitrariness. After passing of matriculation in the year 2024 he was not registered for further study and came into association of anti-social elements. Subsequently he adopted the path of earning, even by unlawful means like indulging into illegal liquor trafficking from the side of U.P.

6. The Juvenile Justice Act creates a specific framework for bail of children, which deviates from general criminal law. The focus should be on rehabilitation than on punishment. It should always be kept into mind that Bail is a statutory rule for a juvenile, and there is a presumption in favor of granting bail. From phraseology used in sub-section(1) of section 12, a juvenile in conflict with Law has to be necessarily released on bail with or without surety or placed under supervision of a Probation Officer or under the care of any fit person unless proviso is applicable. The term 'ends of justice' used in proviso of section 12(1) is quite different from its use in penal statutes. In the context of JJ Act this term connotes Act's purpose and object, which is to reform and rehabilitate the juveniles and not to punish them. Even, preamble of the Act too highlights its focus on proper care, protection, development, treatment, social reintegration, adoption of child friendly approach in the

adjudication and disposal of the matters in the best interest of the children.

7. Section 3 of the Juvenile Justice Act provides general principles to be followed, such as Principle of best interest, Principle of safety, Positive measures and Principle of non-stigmatizing semantics. This Act is based on the belief that children are the future of the nation and they should be reformed, not punished as a punitive approach shall prove self-destructive. Keeping a child in custody is justified only if it aids his development, rehabilitation, or protection. Otherwise their release would not defeat the ends of justice. The family is considered the best and first desirable institution for a child's care and protection, and institutionalization is the last resort, emphasizing the right of every child to be reunited with their family at the earliest. Section 12 of the Act is in consonance with the Act's purpose and object, providing mandatory bail unless the specific grounds in the proviso to section 12(1) are present. This provision, in nut-shell ensures early reunification with family and the child's protection, development, reformation and rehabilitation. Juveniles should never be treated at par with the adult offenders.

8. Law laid down by Hon'ble Patna High Court in the case of **Lalu Kumar Vs. State of Bihar; 2019(4) PLJR 833** makes it amply clear that under the provisions of section 12, the Board is duty bound to be guided by the fundamental principles enumerated in section 3 of the Act of 2015, especially the principles of 'best interest', 'repatriation' and 'restoration' of the child. The fundamental principle 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 offense are immaterial for consideration of bail under the Act of 2015.

9. In this regard, a recent decision rendered by Hon'ble Patna High Court in the case of **Chandan Kumar Paswan Vs. State of Bihar; 2025 SCC Online Pat 2434** is worth quoting wherein

Hon'ble Court is pleased to observe that “section 12 overrides the bail provisions of the Cr.P.C., 1973 or any other law in the force. Bail to the juvenile is a rule, and refusal of the same is exception. A juvenile can be denied bail only on three specific grounds: (i) if release is likely to bring the person into association with any known criminal; or (ii) if it exposes the person to moral, physical or psychological danger; or (iii) if the person's release would defeat the ends of justice. Further, seriousness of the alleged offence or the age of the juvenile are also no relevant considerations for denial of bail u/s 12 of the JJ Act. Even the child who is 16 years or above and is alleged to have committed heinous offence is also entitled to get bail under section 12 of the Act. There is no classification, whatsoever, provided in section 12 of the Act in regard to the grant of bail. Section 12 is applicable to all juveniles in conflict with law without any discrimination of any nature.”

10. Now examining the impugned order it appears that the same is not in consonance with the provisions of section 12 of the Act. Because, as per the Social Investigation Report there is no such possibility of the appellant to go into association of any **known criminal** nor is there any imminent moral, physical or psychological danger. On contrary, his mother and other family members are shown to be concerned for future and career of their son(appellant). They are ready to keep him in close watch and care so that he could not mingle with the peer group and prevailing atmosphere around him. **Although, there are four more cases lodged against the C.C.L. but it does not make to presume that he has become incorrigible and is not amenable to reformatory steps. Moreover, the main purpose of enactment of Juvenile Justice Act, is the reformation of children in conflict with law. Therefore the appellant could be given an opportunity to join mainstream. So, for the sake of his proper reformation and rehabilitation this court deems fit to send him back to the family fold.**

#### Conclusion

11. In light of the discussions made in the foregoing paragraphs the appeal at hand stands allowed, the impugned order dated

21.02.26 is hereby set aside and appellant is admitted to the privilege of bail, provisionally upto 31.07.2026, on furnishing a bond worth Rs. 20,000 with two sureties of the like amount each subject to the following conditions:

(A).One of the sureties shall be his mother and other one also the close family member or close relative, who shall file an affidavit affirming to keep him under proper care and protection, away from the company of anti-social elements/peer groups and shall make every endeavor to brighten his career by bringing him back to main stream of study or other skill development.

(B).An affidavit undertaking shall be filed by the sureties to make the appellant appear on each and every date before the Board and extend full co-operation to expedite the proceedings of the case. However, he will be at liberty to seek exemption from personal appearance, but in unavoidable circumstances only.

(C).Appellant/CCL after release shall be subjected to intensive counselling under a trained counsellor in order to bring him back to mainstream, and a report in this regard shall be submitted before the Board for its consideration and satisfaction.

(D).The Ld. Board shall consider all the aforesaid facts and conditions while passing order regarding confirmation of bail.

12. Probation Officer is directed to keep a close watch on activities of the appellant after his release and submit reports on regular basis after being served copy of this order.

13. Office is directed to send a copy of this order to the Ld. J.J. Board along with case record called for from there for necessary compliance and action.

Consign this record of appeal to record room.

Dictated & Corrected by Me

Sanjeev Kumar Singh  
District & Addl. Sessions Judge-I  
cum  
P.O., Children Court, Gopalganj  
Dated: 20.04.2026