

Court of 1st Addl. Sessions Judge-cum-Spl. Judge (Children's Court),Jehanabad

Criminal Appeal – 16/2026

{Arising out of order dated 06.04.2026 passed by Juvenile Justice Board, Jehanabad in Shakurabad P.S. Case No. 303/2025}

In the matter of :
CICL (Name withheld in the light of section 74 of J.J Act,2015)
-----Appellant
Vs
The State Bihar
.....Respondent.

Counsel for the Appellant- Shri Binod Kumar, Advocate
Counsel for the Respondent- Sri Rakesh Kumar, Spl P.P.

Present: Arun Kumar Sharma
District & Addl. Sessions Judge-I-cum-
Special Judge (Children court),
Jehanabad

ORDER

30.06.2026

1. Instant Criminal Appeal has been filed by the appellant under section 101 of Juvenile Justice (Care and Protection Act), 2015 assailing the order passed by the Juvenile Justice Board, Jehanabad dated 06.04.2026 , in connection with Shakurabad P.S. Case No. 303/2025 by which Ld. Juvenile Justice Board, Jehanabad rejected the bail petition of appellant/Child in convict with law (hereinafter referred as CICL), with a prayer to set aside the said order by granting bail to the appellant.
2. The order dated 06.04.2026 has been challenged in the present appeal on the ground that the impugned order is not maintainable either in law or on fact as the learned court below failed to consider the fact that the basic principle of J.J. Act is the welfare of the child and the only object is to keep the juvenile away from the company of the criminals and the only requisite condition to re-

lease the juvenile is the undertaking of the parents to keep their ward under their control and guardianship and not allow him to be in company of bad elements of the society. The Ld. J.J. Board also failed to consider the fact that appellant has been declared juvenile and Juvenile Justice Act has been enacted to save the future life of the child and his case is required to be considered sympathetically on humanitarian ground. Further, submitted that the appellant is innocent and committed no offence. The present case was instituted under Sections 80, 238, 3(5) B.N.S. but, for minute perusal of allegation, the allegation appears to be doubtful and the allegation does not come under preview of under Sections 80, 238, 3(5) B.N.S. Further, submitted that according to Juvenile Justice Act as well as several decisions, juvenile should be released on bail without any consideration of allegation and in exceptional circumstances, bail of juvenile should be refused. It has also been stated that there is no criminal history of the appellant/CICL. The brother of the appellant is ready to keep his son under her care and control and produce him before the court as when required. Appellant is in remand home, Jehanabad since 16.01.2026. Lastly, payed has been made on behalf of appellant to release him on bail after allowing this appeal.

3. Learned Special. P.P. on behalf of the State has opposed the prayer made on behalf of the appellant/Juvenile and submitted that Juvenile Justice Board, Jehanabad after due consideration has arrived at the conclusion that releasing the appellant on bail is dangerous for the physical as well as mental health of appellant. There is no reason to interfere with the impugned order.

4. On basis of the above facts, the main point arises for adjudication in the present appeal is whether the Juvenile Justice Board, Jehanabad committed an error in rejecting the bail petition of the appellant /CICL and whether the impugned order needs interference by this court.

5. In the present case, prayer for bail of the appellant has been rejected by Juvenile Justice Board, Jehanabad on the ground that during the social investigation, it has been found that release is dangerous for physical as well as mental health and for the security of the appellant.

6. The case of prosecution as per the written petition of informant Shatish Yadav before the S.H.O. of Shakurabad P.S., in brief, is that he married his daughter Sobha Kumari with appellant/CICL in the year 2024 as per Hindu rites, rituals and customs and in the last six months the appellant/CICL and his family members were demanding Rs. 5,00,000/- and were torturing informant's daughter and threatened to kill her if the demand is not fulfilled. It is alleged that the mobile of informant's daughter was switched off since last two days, therefore, informant went to village Rakasiya and after reaching there, he saw that the main door was open and on enquiry, the neighbours told that they have gone anywhere with their cattles but, on secret enquiry, informant came to know that appellant/CICL and some other persons whose names are mentioned in the FIR killed his daughter and her dead-body has been disposed off due to non-fulfilment of dowry demand. On the basis of written application of informant, the FIR has been lodged under Sections under Sections 80, 238, 3(5) of B.N.S. against appellant and other co-accused persons.

7. It is pertinent to mention here that Section 3 of the Juvenile Justice (Care and Protection) Act, 2015 incorporates the fundamental principles of juvenile justice system which guides the interpretation and administration of the Act. A juvenile in conflict with law is presumed to be innocent of any malafide or criminal intent up to age of 18 years. In all decisions taken within the context of administration of Juvenile Justice, the principle of best interest of the Juvenile in conflict with law shall be prime consideration. A juvenile has to be released on bail mandatorily unless and until the exception carved out in section 12 of the J.J. Act, 2015 is made which should be based upon some material /evidence on the record. It is well settled principle that nature and gravity of the offence is not to be considered at all. To reject the bail of a CICL under first exemption there must be reasonable ground for believing that release will bring him into association with 'known criminals' and not criminals. The second exception is release is likely to expose him to moral, physical or psychological danger and the third exception is release will defeat the ends of justice. The exceptions as provided u/

s 12 of the J.J. Act should not be merely guess work but it should be supported by some evidence.

There is no doubt that Juvenile Justice Act is a beneficial legislation and it is also settled position of law that gravity or seriousness of the offence not be a ground for declining bail to the juvenile. The juvenile justice law works on the principles of restorative justice and put the best interest of the child first. A juvenile needs parental care, protection and guidance to bring him back to the mainstream of the society from which he has strayed. The affection and proper guidance of parents appears highly essential for the betterment of the future of the juvenile as he is in adolescent age and it is imperative for the best interest of the child.

8. In Chandan Kumar Paswan VS State of Bihar, 2025 Criminal Appeal (S.J.) No. 3293/2024 decided on 08.07.2025, Hon'ble Patna High Court held that the serious nature of offence is not a valid ground for denying bail to juvenile under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 ('J.J. Act').

9. In the present case, on going through the social background report of the appellant/CICL, it has been suggested that considering the age and future of the juvenile, it may be sympathetically considered for availing the reformatting environment for juvenile. From the perusal of report, it also transpires that nothing adverse remark against juvenile has been mentioned in the report.

10. On going through the social investigation report of the appellant/CICL nothing adverse has also been recorded against the appellant/CICL.

11. From the perusal of lower court record, it also transpires that after completion of investigation, adjudication letter has been filed against appellant/CICL and charge has also been framed.

12. Considering the above facts and circumstances of the case, I find it fit to allow the Appellant /CICL on bail. It is, therefore, ordered that the impugned order dated 06.04.2026, is hereby set aside and bail is allowed. Appellant/CICL is directed to be released on bail on filing bail bond of Rs 20,000/- (twenty thou-

sand only) with two sureties of the like amount each. One of the surety must be father/mother/brother of the appellant. Apart from it, the father/mother/brother of the appellant will also file a separate undertaking that after release of the appellant on bail he/she will take his proper care including his studies and ensure that he/she will not permit him to come in contact of bad company and in case the appellant indulges in any unlawful activity he/she will inform it to the jurisdictional police.

(Dictated and corrected by me)

Sd/-
Arun Kumar Sharma
DAJ -1-cum Special Judge
(Children court)
Jehanabad
Date – 30.06.2026

Sd/-
Arun Kumar Sharma
DAJ -1-cum Special Judge
(Children Court)
Jehanabad
Date- 30.06.2026

Office of 1st Addl. Sessions Judge, Jehanabad

Memo No. /2026 Date -2026

Copy of order sent to the court J.J.B., Jehanabad for information and needful.

District & Addl. Sessions Judge-I
Jehanabad