

The Court of Addl. Sessions Judge-Ist-cum- Special Judge, Kishanganj
Present : Suresh Kumar Singh II
Addl. Sessions Judge-Ist, Kishanganj
Criminal Appeal- 07/2026
(Dighalbank P.S. Case No.- 139/2025, J.J.B. No.- 59/2025)

**Juvenile in conflict with law Shiv Kumar Ram, aged about 15 years, S/o-
Vijay Ram, R/o-Pothimari, P.S.-Dighalbank, Distt.-Kishanganj**
.....(Appellant)

Vs.

The State of Bihar.....(Opposite Party)

Counsel for the petitioner : Sri Amal Kumar Sinha, Advocate

Counsel for the state : Sri Suren Prasad Saha, Ld. A.P.P.

20-04-2026

1. This criminal appeal has been filed against order dated 20.12.2025 passed by Juvenile Justice Board Kishanganj, on behalf of Juvenile in conflict with law who is in custody since 28.07.2025, in connection with Dighalbank P.S. Case No. 139/2025, J.J.B. No.- 59/2025, registered under Section 140(1), 309(6), 311, 109(1) BNS.

2. Apart from pleading innocence and false implication, the learned counsel for the petitioner who is a Juvenile in conflict with law submits that the Juvenile has been falsely implicated in this case and it has been observed by Hon'ble Supreme Court in many cases that in the case of grant of bail to the juvenile gravity of offence is not to be seen.

3. The learned Counsel has further relies upon the judgment passed in **Lalu Kumar and others v. State of Bihar and others reported in 2019 (4) PLJR 833 wherein the Hon'ble Patna High Court** has been pleased to hold that seriousness of the offences alleged cannot be made ground for rejecting the bail under the act of Juvenile Justice Care and Protection Act 2015. It has also been submitted that the Ld. JJ Board committed gross error of law in rejecting the bail prayer of the juvenile appellant by ignoring the loss of education and his future prospects. The child in conflict with law is innocent and he has not committed any offence. The child in conflict with law has been falsely been implicated in this case due to conspiracy. The petitioner Juvenile has been declared Juvenile and a student and his future and carrier is at stake due to his remaining in judicial custody. The Juvenile petitioner has clean antecedent and has good character in his society. The juvenile petitioner has wrongfully engaged in this case.

4. In the light of said submissions it has been prayed that the order passed by J.J.B. is not proper in accordance with law and hence it needs to be

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set aside and the juvenile be enlarged upon bail by giving in the benefit of Section 12 of Juvenile Justice Care and Protection Act 2015.

5. The learned A.P.P. opposed the prayer of bail by submitting that there is no illegality in the order of J.J.B. because there are chances of the juvenile in conflict with law in getting in to bad company if he is enlarged upon bail.

6. Heard both sides and perused the L.C.R., Social Investigation Report and social background report annexed with record.

7. From perusal of FIR it transpires that there is allegation against the Juvenile in conflict with law is that he assaulted with big stone on his head to due he fell down on the ground and he tied the neck of the injured with a thick cord with intention to kill the victim. From perusal of injury report it transpires that during x-ray it has been found that there is fracture of spinous process of C7 and injury has been grievous in nature. From perusal of record it also transpires that JJB has found his age about 15 years 02 months 23 days on 20.12.2025. In the case cognizance has been taken for the offence U/s 140(1), 309(6), 311, 109(1) BNS and after explaining the accusation six witnesses out of sever has been examined in the case. From perusal of SIR it appears that it has been mentioned in column 25 that there is need of counseling to the Juvenile in conflict with law. From perusal of record it also transpires that there will be harm to the Juvenile in conflict with law if he is released on bail. considering the aforesaid facts I am not inclined to enlarge the juvenile in conflict with law on bail. This Criminal appeal is liable to be dismissed.

8. Accordingly this criminal appeal is hereby dismissed.

(Dictated)

Sd/-

Suresh Kumar Singh-II

Addl. Sessions Judge -cum-Special Judge,
Kishanganj