

The Court of Addl. Sessions Judge-Ist-cum- Special Judge, Kishanganj
Present : Suresh Kumar Singh II
Addl. Sessions Judge-Ist, Kishanganj
Criminal Appeal- 14/2026
(Mahila P.S. Case No.- 50/2023, J.J.B. No.- 113/2025)

Juvenile in conflict with law Shahnawaz Alam @ Shahbaz Alam, aged about 19 years, S/o-Late Mohammad Shahbuddin @ Shahabuddin, R/o-Ward no. 05, P.O.-Singhia P.S.-Paharkatta, Distt.-Kishanganj
.....(Appellant)

Vs.

The State of Bihar.....(Opposite Party)
Counsel for the petitioner : Sri Om Kumar, Advocate
Counsel for the state : Sri Suren Prasad Saha, Ld. A.P.P.
21-04-2026

1. This criminal appeal has been filed against order dated 17.02.2026 passed by Juvenile Justice Board Kishanganj, on behalf of Juvenile in conflict with law who is in custody since 17.02.2026, in connection with Mahila P.S. Case No. 50/2023, J.J.B. No.- 113/2025, registered under Section 323, 341, 354(B), 376 IPC and 4 POCSO Act.

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 falsely dragged in this case due to village politics. Allegations made in the FIR are totally false, frivolous, concocted. The impugned order has been passed ignoring the principles and objectives of the law laid in this regard. It is well settled that while considering bail of juvenile merit of the case is not required to be taken into consideration. The board has not bothered to seek for social background of the juvenile in conflict with

The Court of Addl. Sessions Judge-Ist-cum- Special Judge, Kishanganj
Present : Suresh Kumar Singh II
Addl. Sessions Judge-Ist, Kishanganj
Criminal Appeal- 14/2026
(Mahila P.S. Case No.- 50/2023, J.J.B. No.- 113/2025)

Continued...2/

21.04.2026

law. The mother of the appellant swears an affidavit that if a juvenile in conflict with law is released on bail she will not allow him to come in association with any anti social element. 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 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 record it transpires that there is allegation against the Juvenile in conflict with law is that he committed rape with the victim and threatened her that if she disclose the fact anyone he will kill her. During investigation statement of victim was recorded U/s 164 Cr.P.C. in which she has said that the Juvenile in conflict with law committed rape with her. After investigation police has submitted charge-sheet for the offence punishable U/s 376 IPC and 4 of POCSO Act. Accordingly cognizance has been taken. From perusal of record it transpires that during trial before JJB three witnesses have been examined out of ten witnesses. Considering the nature of case and interest of the juvenile in conflict with law. It is not just and proper to enlarge him on bail. From perusal of Social Investigation Report it transpires that father of Juvenile in conflict with law has been died and he has

The Court of Addl. Sessions Judge-Ist-cum- Special Judge, Kishanganj
Present : Suresh Kumar Singh II
Addl. Sessions Judge-Ist, Kishanganj
Criminal Appeal- 14/2026
(Mahila P.S. Case No.- 50/2023, J.J.B. No.- 113/2025)

Continued...3/

21.04.2026

no criminal antecedent. There is sufficient material on the record against the Juvenile in conflict with law. 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