

The Court of Addl. Sessions Judge-Ist-cum- Special Judge, Kishanganj
Present : Suresh Kumar Singh II
Addl. Sessions Judge-Ist, Kishanganj
Criminal Appeal- 20/2025
(Mahila P.S. Case No.- 58/2025, J.J.B. No.- 60/2025)

**Juvenile in conflict with law Nisar, aged about 17 years, S/o-Abid, R/o-
Salampur Gangi, P.S.-Bahadurganj, Distt.-Kishanganj**
.....(Appellant)

Vs.

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

1. This criminal appeal has been filed against order dated 11.09.2025 passed by Juvenile Justice Board Kishanganj, on behalf of Juvenile in conflict with law who is in custody since 27.08.2025, in connection with Mahila P.S. Case No. 58/2025, J.J.B. No.- 60/2025, registered under Section 64(1), 69, 351(2), 3(5) BNS & 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 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 record it transpires that there is allegation against the Juvenile in conflict with law is that he committed rape with the victim on the pretext of marriage and due to rape she became pregnant and later on his parents refused from marriage. From perusal of record it also transpires that after investigation the police has submitted charge sheet against the juvenile in conflict with law for the offence punishable u/s 64(1) BNS and Section 4 Pocso Act. From perusal of Social Investigation Report it transpires that he has studied till class- 8 and there is chance of social and physical harm if he is released on bail. Allegation against the juvenile in conflict with law is grievous in nature and 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