

**IN THE COURT OF ADDL. SESSIONS JUDGE-I-cum-CHILDREN COURT
KAIMUR AT BHABHUA**

Present: BALJINDER PAL, A.S.J.-I

Order in Criminal Appeal No. 10 of 2026

(Arising out of Chainpur P.S. Case No. 48 of 2025)

[Appeal u/s 101(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015]

In the matter of :

‘CICL’ (Name & address withheld)

.....Appellant

V/s

State of Bihar

.....Respondent

Bhabhua, Dated 26th Day of May 2026

Present : Sri Vidya Kumar Pandey, Ld. Advocate on behalf of the Appellant.

Sri. Baldau Singh, Ld. Advocate on behalf of the Informant.

Sri Virendra Prasad Singh, In-charge Ld. Spl. P.P. for the State.

J U D G E M E N T

1. Present appeal is preferred u/s 101(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 by the appellant/CICL (Name and address withheld) against order dated 06.04.2026 passed by the Juvenile Justice Board, Bhabhua (hereinafter referred as ‘Board’) in J. Tr. No. 47/2026, FIR No. 48/2025, P.S. Chainpur, whereby and whereunder the Ld. J.J. Board has dismissed the prayer of bail of the appellant u/s 12 of the J.J. Act. The record was received by transfer on 04.05.2026, vide order dated 07.05.2026 of the Ld. Principal District and Sessions Judge, Kaimur at Bhabhua.

2. The appellant/CICL has challenged the impugned order on the grounds that the order of the Ld. J.J. B. is bad and erroneous both on facts and law, that the Ld. JJB has not applied the judicial mind while passing the order and from the facts there is no specific allegation against the appellant.

3. The Ld. advocate on behalf of the appellant/CICL submitted in arguments that Section 12 of the J.J. Act, 2015 unequivocally provides that a juvenile alleged to have committed a bailable or non-bailable offence shall be released on bail, with or without surety or placed under supervision Probation Officer or a fit person and, therefore, the presumption is in favour of bail and denial of bail is permissible only if there exist reasonable grounds to believe that such release would, (i) bring the juvenile into association with known criminals, (ii) exposed him to moral, physical or psychological

danger, or (iii) defeat ends of the justice but in this case none of these disqualifying conditions are sustained.

4. It is also submitted that appellant has no criminal antecedents, he belongs to a stable family environment and his guardians are willing to undertake responsibility for his conduct and presence during proceedings/trial and there is no material on record to suggest that release would expose him to any danger or defeat the ends of the justice. On the contrary, prolonged detention in the Observation Home would affect his education, psychological and social development contrary to rehabilitative spirit of the Act. And accordingly, once the juvenile status has been declared, in the absence of any statutory disqualification, the appellant is entitled to bail as a matter of right u/s 12(1) of the J.J. Act.

The Ld. Advocate also submitted that decision on bail of juvenile not to be guided by retributive concerns but with the motive to effectively secure the child's welfare, rehabilitation and reintegration in the society and as the CICL/appellant in this case has already been judicially declared juvenile by the Ld. J.J.B. assessing his age 14 years, 10 months and 6 days on date of occurrence i.e., 20.12.2024 and His continued detention in Observation Home will serve no rehabilitative purpose instead will hamper his education, psychological growth and social integration and further prolonged institutionalization risks stigmatization, emotional isolation and disruption of his developmental trajectory.

The Ld. Advocate further submitted that J.J. Act requires that juvenile should be nurtured in a family and community environment wherever possible, under supervision and counseling rather than institutionalized and, therefore, requested for release of the CICL/appellant on bail under care and custody of his parents/guardians and providing benefit of probationary supervision to fulfill the rehabilitative objects of the Act.

The Ld. Advocate also submitted that on merits of the case, there is no evidence available on record that appellant has any concern with the alleged occurrence and further submitted that the unexplained delay of more than two months is crucial as the alleged occurrence is stated to have taken place on 20.12.2024 but the FIR was registered on 06.02.2025, but the informant has tried to explain the delay in typed information itself that she was prevented by the CICL and others from going to police station but it cannot be accepted as gospel of truth because two months period is very much considerable and the informant has got typed on written report dated 21.12.2024 whereas under her signature the date is itself stated 06.02.2025 which reflects that the present complaint was made to police station with deliberate after thought. The Ld. Advocate further submitted that informant has alleged 15 years of age in information report and also in statements recorded under Section 183 of the Cr.P.C. whereas during

the investigation the I.O. has recorded and got verified the age of informant in para no. 83 on the basis of school Transfer Certificate and also that of another victim in para no. 97 on the basis of school Transfer Certificate also and age of both the victims was revealed 03.02.2006 which prima facie indicates that the case was got registered under Section 4 and 6 of the POCSO Act with sole purpose to engage the CICL and another under henius crime. The Ld. Advocate further submitted that as revealed from the SIR of the appellant submitted by the Probation Officer, which was heavily relied by the Ld. J.J.B. in impugned order but not considered that the Probation Officer has stated in its report the facts otherwise than stated in FIR and it is revealed that the CICL and the informant had long interaction with each other and had emotional attachment but later on due to watching the CICL and informant conversity by another alleged victim, she raised alarm and a false concocted story of attempt to rape was woven and the Ld. Advocate further submitted that no such arms as alleged was recovered by the police during investigation and the occurrence is exaggerated at the behest of family members and villagers of the informant and false case was registered after more than two months. The Ld. Advocate further submitted that as revealed in SIR of the Probation Officer that the CICL has long standing emotional attachment with the informant and he had only gone to meet her but not for committing rape but unfortunately they both were seen by another victim/witness who raised alarm and this case was registered on false facts. The Ld. Advocate further submitted that no injury report or medical report of the victim and another alleged victim is available on record to support the offences u/s 64(1), 62, 329(4), 115(2), 351(2), 352, 3(5) of the BNS and the appellant deserves bail as he has spent sufficient time in Observation Home and further period under Observation Home is not in the welfare of the appellant.

5. The Ld. In-charge/Spl. P.P. opposed the prayer of bail and submitted that the release of CICL/appellant would not be conducive to well being of the CICL/appellant but also not in the interest of justice as the appellant along with FIR named co-accused have molested and attempted to rape the informant and cousin sister, when the family members were outside the house, however, the Ld. Spl. P.P. could not explain the delay in reporting the case and also could not explain the different opinion by the Probation Officer regarding the facts of the case recorded in SIR para no. 5 of conclusions of the inquiry by Probation Officer.

6. After hearing both sides and perusal the FIR, case diary and particularly SIR dated 30.03.2026 submitted by Probation Officer, it is revealed on record that the allegations in the FIR are reported with a delay of more than two months and no supporting medical evidence is available on record although one of the alleged victim was medically examined and neither any alleged weapon/arms was recovered or seized

by the Investigation Officer. There is allegation of molestation and attempt to rape but the informant as per record had denied her medical examination and only the medical examination of the cousin sister was conducted wherein she had only disclosed the doctor regarding molestation and not about attempt to rape. Although in SIR submitted by the Probation Officer, it is reported that CICL belongs to poor family and the family is dependent on labour work and also reported lack of discipline in the house and also lack of parental control on the activities of the appellant and it is also reported that CICL/appellant was earning Rs. 18,000/- per month but was spending all the money on his personal expenses and has not contributing member of the house. It is also reported that reason behind leaving the school is economical conditions as well as school in remote area. All the social environment including neighbours are labourers having no interest in education and, therefore, the CICL had also no interest in acquiring education. The Probation Officer also disclosed in his findings in the SIR that CICL was found immature and careless towards his future and reason behind his conduct was backwardness and lack of interest in education not only in the CICL but also his parents and surrounding environment. The Probation Officer also disclosed in para no. 5 that the CICL and the informant/alleged victim were having emotional attachment since last 5-7 years and they both used to meet in lone places but likewise when the CICL along with his friend went to meet the informant, the cousin sister had seen them and she started abusing the informant and the informant pulled her in anger so there was scuffle and thereafter the informant/victim under pressure of the family member got registered the case. The Probation Officer himself has opined the lack of education and understanding in the CICL and the surrounding environment not supporting education and advised welfare of the CICL to sensitize his parents for effective control over the activities the CICL and also has advised for Government Schemes to uplift the economic condition of the family for the purpose of rehabilitation of the appellant.

Before hearing on the point of bail this Court also called report of Probation Officer from the Observation Home, Sasaram where the CICL/appellant is under protective custody, the report dated 30.03.2026 of the Probation Officer also gave similar views as stated in SIR and further no adverse comment is made by the Probation Officer regarding conduct of the CICL/appellant during his stay in the Observation Home and it is reported that he is observing all the routine activities with discipline but no where reported that any skill orientated training is being imparted him to rehabilitation.

7. Considering the overall scenario of the case including the delay in lodging FIR, not getting examined by the informant for her medical examination, no recovery of alleged weapon during investigation, the overall social background of the CICL and his

economical conditions and educational status of the family and neighbourhood, observation of the Probation Officer in SIR in para no. 5 regarding emotional interaction of the CICL and the informant and the time spent by the CICL/appellant in Observation Home and no adverse observation of the Probation Officer during the stay of the CICL/appellant in Observation Home, and further considering that the CICL/appellant is reported by the Probation Officer in SIR, a earning person although not contributing the family, this Court is of the considered view that CICL/appellant may be granted bail and accordingly the CICL/appellant is directed to be released on bail on furnishing two sureties bonds of Rs. 10,000/-, however, one of the surety shall be either mother or father of the appellant and the other surety shall also be local resident within jurisdiction of the Ld. J.J.B. Kaimur at Bhabhua on filing undertaking to take the responsibility for the future welfare and vigilance over the activities of the CICL and to produce before the Ld. J.J.B., Kaimur at Bhabha or the Court where the further proceedings regarding this case may proceed. Both the sureties will not allow the appellant to come in contact with bad elements and also not to let him influence the witnesses of the case. The Probation officer, Kaimur at Bhabhua attached with the J.J.B. Kaimur at Bhabhua will supervise the activities of the CICL and will file the monthly report before the Ld. J.J.B. for a period of six months from his release and thereafter quarterly report regarding conduct and behaviour till the conclusion of the proceedings before the Ld. J.J.B. Kaimur at Bhabhua.

Accordingly, the impugned order dated 06.04.2026 passed by the Ld. J.J.B is set aside and prayer of bail of the CICL/appellant is accepted and the appeal is hereby **allowed** with aforesaid directions.

The copy of this order be sent to the Ld. J.J.B. Kaimur at Bhabhua and also to office of Probation Officer attach with J.J.B. Kaimur at Bhabhua.

(Dictated and Corrected)

Sd/-

(Baljinder Pal)
Addl. Sessions Judge-I
cum Children Court
Kaimur, Bhabua