

**IN THE COURT OF
SPECIAL JUDGE OF CHILDREN
-cum-
DISTRICT AND ADDITIONAL SESSIONS JUDGE-I
MUNGER, BIHAR
Criminal Appeal 09 of 2026
Muffasil P.S. Case No. 392 of 2025
Order Dated: 20.06.2026**

(This Criminal Appeal arises against the order dated 24.03.2026
passed by Principal Magistrate of Juvenile Justice
Board, Munger in J.J.B. No. 248 of 2025 (Muffasil P.S. No. 392 of
2025))

In reference:-

Sajan Kumar (hereinafter referred as CICL) aged about 17 years
(approx) s/o Natho Singh, R/o Buddhan Marar, Police Station-
Muffasil, Munger, Bihar.

..... **Appellant**

Versus

State of Bihar

..... **Respondent**

**Present:- Amit Ranjan Upadhyay
District & Addl. Sessions Judge-I
-cum- Special Judge of Children Court,
Munger**

Order Date: 20.06.2026

Learned Counsel for the Appellant: Rakesh Kumar

**Learned Counsel for the Respondent: Ms. Gauri Kumari,
Special P.P.**

JUDGEMENT

1. This Criminal Appeal arises against the order dated 24.03.2026 passed by Principal Magistrate of Juvenile Justice Board, Munger in J.J.B. No. 248 of 2025 (Muffasil P.S. No. 392 of 2025) under Sections 96, 352, 351(A) & 3(5) of BNS, whereby and whereunder the Ld. Juvenile Justice Board, Munger rejected the prayer of bail of the appellant CICL who is

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protective custody since 07.11.2025.

2. Being aggrieved and dissatisfied with the above order Appellant came before this Court challenging the legality and propriety of the impugned order.
3. Learned Counsel for the Appellant submits that the order passed by Ld. Principal Magistrate of JJB is bad in law and unjustified on facts. The reasons assigned by the Ld. JJB for rejecting the bail application of the appellant is not proper and sound. Learned lower Court has failed to consider that the Appellant has no criminal antecedent and the Appellant is in protective custody since 07.11.2025. Learned lower Court misread the provision of bail u/s Juvenile Justice Board and the also failed to consider that the Appellant neither arrested on the spot nor incriminating has been recovered from the possession of the Appellant. He further submits that the learned lower Court has failed to consider that there is no any report against the Appellant regarding mischief with known criminal and unknown criminal and also failed to consider that the FIR lodged by the Informant is false because in the FIR, there is no specific allegation against the Appellant and there is not any witnesses who have seen the occurrence. Learned lower Court failed to consider that there is mandatory provision under Juvenile Justice Act, if the delinquent declare Juvenile he shall release on bail. Ld. Counsel for the Appellant has lastly submitted that on these grounds impugned order may kindly be set-aside and allowed this appeal and appellant may kindly be released on bail.
4. Learned Counsel for the Respondent (Special Public Prosecutor on behalf of State) submits that the order dated 24.03.2026 passed by Principal Magistrate of Juvenile Justice Board, Munger in J.J.B. No. 248 of 2025 (Muffasil P.S. No. 392 of 2025) under Sections 96, 352, 351(A) & 3(5) of BNS is valid and proper and there is no illegality in this order and she vehemently opposed this bail application of the Appellant as there is no illegality in this order and needs no interference. Hence, this appeal may

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kindly be rejected.

5. As per the written statement of the Informant, the case of the prosecution is that the Informant has alleged that CICL has kidnapped minor daughter of Informant with the help of co-accused persons namely Vicky @ Vikas Kumar and Bihari Singh. When the Informant and his wife went at the house of CICL then the co-accused persons started to abuse them and threatened to kill their daughter if any complaint made against them. The Informant stated that his minor daughter is seventh standard pass out and she is low minded.
6. Heard both sides and perused the case records.
7. From perusal of the case records, it is clear that the Petitioner was declared juvenile on 25.02.2026 by the Juvenile Justice Board, Munger and has also assessed his age as 17 years 11 months and 13 days. Earlier a bail application of the Appellant was rejected by the Juvenile Justice Board, Munger on the ground mentioned in proviso of Section 12 of Juvenile Justice Act. The Appellant is named in FIR along with others and SIR talks about his involvement in the said alleged act. Coupled with the fact that the charge-sheet has been submitted against the Appellant under Sections 96, 64(1) 352, 351(A) & 3(5) of BNS and under Section 4/6 of POCSO Act the cognizance has been taken under Sections 96 & 64(1) of BNS and under Section 4/6 of POCSO Act against the Appellant. At present, the case of the Appellant is pending before Juvenile Justice Board, Munger. From the perusal of the case records, it is clear that the said Appellant/CICL is named in FIR and there is allegation against him to kidnap minor daughter of Informant for the purpose of marriage and the accused has done this incident with help of co-accused persons namely Vicky @ Vikas Kumar and Bihari Singh. The Appellant have no criminal antecedent except this case. The statement of victim under Section 183 of BNSS in which she has not fully supported the case of prosecution and has claimed to go to house of her Mansi voluntarily and

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both appeared before Muffasil police voluntarily. The SIR report disclosed the fact that the CICL's parents are labourer and he has left his study and the CICL has voluntarily surrender before the concerned Court and the probation officer suggested that there is good for CICL if he is continue his study further and there is also need to counsel him and SIR's report as well JJB, Munger to keep him further in protective home to counsel him to make him understand the right and wrong acts and he has undergone sufficient protective custody after order of JJB, Munger dated 24.03.2026. Even, his recent counselling report dated 18.06.2026 shows positive attitude of CICL regarding his life. The Appellant/CICL is in protective custody since 07.11.2025 and further custody shall further meet no purpose except obstacle in his future as well as proper development which can only be possible with his association with family members and society.

ORDER

8. Therefore, considering aforesaid facts and circumstances of the case as discussed above, present status of case, keeping in mind full welfare of CICL, previous SIR Report of CICL as well as present status report of CICL, statement of victim under Section 183 of BNSS as well as period of custody, I am of the view that the CICL has already undergone sufficient time in protective home after rejecting of his bail by JJB, Munger and away from his family. So, keeping of juvenile further in protective custody will adversely effect his future or mental condition and he shall be debarred from the parenting and also serve no purpose. **So, the order dated 24.03.2026 of Juvenile Justice Board, Munger is hereby set aside** and the Appellant (CICL) namely **Sajan Kumar is hereby released on bail with conditions** on furnishing bail bonds of Rs.10,000x2/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned with

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condition that;

1. One bailor either be parents and other close relative of the Appellant.
 2. Father or mother filed affidavit regarding keeping CICL in good condition, send him to school or any skilled training programme and keeping him away from anti-social elements.
 3. The CICL also filed an affidavit regarding future good behaviour or indulging in education or professional skill training.
 4. Physical appear till framing of charge and do proper pairvi in this case before JJB, Munger.
- 9. Accordingly, the Criminal Appeal of the Appellant is hereby Allowed for the ends of justice and for full welfare of CICL. Office is directed to send this order along with trial court record to JJB, Munger atonce.**

Dictated and Corrected by me,

Sd/-

**District & Addl. Sessions Judge-I
-cum- Special Judge of Children Court
Munger**

Dated: 20.06.2026

Sd/-

**(Amit Ranjan Upadhyay)
District & Addl. Sessions Judge-I
Munger**

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