

"Heard and perused the record. From the perusal of the record, it transpires that the allegation against the petitioner CICL is that he along with co-accused persons committed murder of the informant's son. In para-7 of the case diary, statement of Kanti Devi wife of informant is mentioned, where she stated that some days before the incident, she has seen Nitu Kumari and Sanjeev Kumar in objectionable condition and thereafter, she said them to make complain before their guardian, due to this grudge accused Prabhawati Devi and Nitu Kumari induced the minor son of informant and committed murder of minor son of informant and threw the dead-body at Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 2/23 the door of tile house of Tuntun Patel. In para-77 of the case diary, it is mentioned that informant filed a petition regarding involvement of these petitioners-accused

in the commission of murder of his son. In para-21 of the case diary, post-mortem report of deceased is mentioned, where cause of death is mentioned Asphyxia due to pressure over neck. The social investigation report also shows that the father of the child is working at Amritsar for his livelihood and there is lack of discipline in the child. It appears that the parents of the child have no control over the child so it will not be proper to send him again in the same environment.

Under these circumstances in my considered opinion his release is likely to bring him in bad association with the criminals and expose him to moral and psychological danger and also his release will defeat to ends of justice. Thus, I am not inclined to enlarge him on bail. Hence, the prayer of bail of the CICL is hereby rejected."

Prosecution Case

2. As per the FIR, the 4 year old son of the informant went missing on 27.07.2023 and despite best efforts, the informant could not trace his son. However, on 28.07.2023, the dead body of the missing son was found at the door of the house of Tuntun Patel, son of Khublal Patel at Mahua village and this information was given to the police.

3. In view of the occurrence, Darpa P.S. Case No. 82 of 2023 was registered for the offence punishable under [Sections 302](#) and [201](#) of the Indian Penal Code and after investigation, charge-sheet against Prabhawati Devi, Birbal Patel, Nitu Kumari and Shubhlal Patel was filed. Subsequently, during investigation, in the moth of June, 2024, the informant and his wife expressed doubt to the police that even the appellant is involved in the murder of their child and on the Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 3/23 basis of this doubt, the police has filed the charge-sheet against him without any material which may connect the appellant with the alleged offence.

4. As per the statement of the informant and his wife/ Kranti Devi, Kranti Devi had seen the appellant in compromising position with Nitu Kumari, daughter of Prabhawati Devi and Birbal Patel and she had threatened them that she would inform this activity to their guardians, and hence, they have killed their child.

5. Heard learned counsel for the appellant and learned APP for the State.

Submissions on behalf of the appellant

6. Learned counsel for the appellant submits that the appellant is completely innocent and has falsely been implicated in this case and there is no material at all against him, except the suspicion of the informant and his wife that there is possibility of involvement of the appellant in the commission of murder of their four year old child.

7. He further submits no one was named in the FIR as accused, because the informant and his wife had no idea about how the child was strangled and who was involved in the commission of murder of their child.

Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 4/23

8. He further submits that during investigation, four persons were charge-sheeted in this case viz., Prabhawati Devi, Birbal Patel, Nitu Kumari and Shubhlal Patel. Parbhawati Devi and Birbal Patel are parents of Nitu Kumari, who was allegedly seen to be in compromising position with the appellant and Shubhlal Patel is the owner of the house where the dead body of the child was recovered. But during investigation, name of the appellant never transpired in the commission of the alleged offence for about 23 months till the informant and his wife expressed their suspicion that the appellant, who was seen in compromising position with Nitu Kumari, is also involved in the commission of the murder of their child and only on the basis of such suspicion, without finding any connecting material, the charge-sheet has been submitted against the appellant. As such, there is no material at all against the appellant, and hence, his detention in the observation home is against the fundamental right to life under [Article 21](#) of the Constitution of India.

9. He further submits that under the [J.J. Act](#), grant of bail to a juvenile is a rule and refusal of the same is an exception. He also submits that the family the first desirable institution for reformation and development of a child in conflict with law and institutionalization of the juvenile is the Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 5/23 last resort.

10. He further submits that the appellant has no criminal antecedent, nor has any member of his family any criminal record. The appellant is intermediate passed and due to detention, his further studies has got disrupted. The father of the appellant is also educated up to 10th class, though his mother is illiterate, but she is a housewife and other siblings are also pursuing their education.

11. He further submits that there is no adverse environment in the family of the appellant, nor is he involved in the commission of the alleged offence. Without any rhyme and reason and without any legal evidence, the police has submitted charge-sheet against the appellant and he is suffering detention and his developments is getting disrupted.

12. He further submits that the impugned order, whereby the bail of the appellant has been rejected, is not sustainable, because without any basis, learned Children Court has erroneously held that his release on bail is likely to bring him in bad association with the criminals and expose him to moral and psychological danger and also his release would defeat to ends of justice.

Submission on behalf of the State Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 6/23

13. However, learned APP for the State vehemently opposes the prayer of the appellant for bail submitting that there is no illegality or infirmity in the impugned order, and hence, the present appeal is liable to be dismissed.

14. She further submits that as per the prosecution case, the appellant and one Nitu Kumari was found to be in compromising position and mother of the deceased-child had seen them and she had threatened that she would inform their unbecoming behaviour to their guardians and due to this threatening, her child was killed by them.

Legal Provisions regarding Bail to Juveniles under the [J.J. Act, 2015](#).

15. Before I consider the rival submission of the parties, it would be pertinent to refer to [Section 12](#) of the Juvenile Justice (Care and Protection) Act, 2015, which deals with bail to the Juvenile. [Section 12](#) of the

Act reads as follows:-

"12. Bail to a person who is apparently a child alleged to be in conflict with law.-(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the [Code of Criminal Procedure, 1973](#) (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 7/23 criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under subsection (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home ¹[or a place of safety, as the case may be,] in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-

section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail."

(Emphasis Supplied)

16. From perusal of [Section 12](#) of the J.J. Act, 2015, it clearly emerges that [Section 12](#) of the Act overrides the bail provisions as contained in the [Criminal Procedure Act, 1973](#) or any other law for time being in force. It further emerges that as per [Section 12](#) of the Act, bail to the Juvenile is a rule and refusal of the same is an exception and Juvenile can be denied bail only on the following three grounds: (i) if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal, or,

(ii) expose the said person to moral, physical or psychological danger, or, (iii) the person's release would defeat the ends of justice.

17. Hon'ble Apex Court in Juvenile in Conflict Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 8/23 with [Law Vs. State of Rajasthan](#), as reported in 2024 SCC OnLine SC 5297 has also held that juvenile in conflict with law has to be necessarily released on bail unless the proviso is applicable and

there must be clear finding regarding the applicability of the proviso. The relevant part of judgment reads as follows:

"6. From the phraseology used in sub-[section 1](#) of [Section 12](#), a juvenile in conflict with law has to be necessarily released on bail with or without surety or placed under supervision of a probation officer or under the care of any fit person unless proviso is applicable.

7. We have perused all the orders passed earlier by the JJ Board, Special Court and High Court and specially the order dated 11th December, 2023 passed by the JJ Board. There is no finding recorded that the proviso to sub-[Section 1](#) of [Section 12](#) is applicable to the facts of the case. Without recording the said finding, bail could not have been denied to juvenile in conflict with law.

.....

9. Though none of the courts at no stage have recorded a finding that in the facts of the case, the proviso to sub- [Section 1](#) of [Section 12](#) was applicable, the juvenile in conflict with law has been denied bail for last one year.

10. Hence, the impugned orders are set aside. The appeal is accordingly allowed.

11. We direct that the juvenile in conflict with law shall be released on bail without surety. However, the jurisdictional Juvenile Justice Board shall issue appropriate directions to the jurisdictional Probation Officer to keep the juvenile under supervision and to submit periodical reports to the Board about the conduct of the Juvenile."

(Emphasis supplied)

18. In Re-Exploitation of Children in Orphanages in the [State of T.N. Vs. Union of Indian and Ors.](#) as reported in (2020) 14 SCC 327, Hon'ble Supreme Court has held that bail to a juvenile can be denied only on three grounds as Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 9/23 provided in the Proviso to [Section 12\(1\)](#) of the J.J. Act, 2015. The relevant part of the judgment reads as follows:

"7. Sub-section (1) makes it absolutely clear that a child alleged to be in conflict with law should be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person. The only embargo created is that in case the release of the child is likely to bring him into association with known criminals or expose the child to moral, physical or psychological danger or where the release of the child would defeat the ends of justice, then bail can be denied for reasons to be recorded in writing. Even if bail is not granted, the child cannot be kept in jail or police lock-up and has to be kept in an observation home or place of safety."

(Emphasis supplied)

19. The High Court of Bombay in [XYZ v. State of Maharashtra](#), as reported in 2023 SCC OnLine Bom 2790 has held that grounds for denial of bail must be based on material. The relevant part of judgment reads as follows:

"6.The mandate of the aforesaid provisions requires that the CCL alleged to have committed a bailable or non bailable offence and apprehended, shall be release on bail with or without surety. The proviso to [Section 12\(1\)](#) puts an exception, where there are reasonable grounds to believe that the release of CCL is likely to bring him into the association with any known criminal or exposed him to moral, physical or sociological danger or his release would defeat the ends of justice. It is therefore, evident that the denial of bail to the CCL shall be for specific reasons akin to above proviso.

.....

9. There is nothing on record to indicate that the CCL is likely to come in association with the known criminals or get exposed to moral, physical or sociological danger or his release would defeat the ends of justice. In the wake of aforesaid circumstances the case is made out to allow this Revision Application and to release the CCL on bail by setting aside the impugned order passed by the Sessions Judge, Beed. Hence following order:"

(Emphasis supplied) Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 10/23

20. It also emerges that seriousness of the alleged offence or the age of the juvenile are also no relevant considerations for denial of bail under [Section 12](#) of the J.J. Act. Even the child who is 16 years or above 16 years of age and is alleged to have committed a heinous offence is also entitled to get bail under [Section 12](#) of the Act, 2015. There is no classification, whatsoever, provided in [Section 12](#) of the Act, 2015 in regard to grant of bail. [Section 12](#) is applicable to all juveniles in conflict with law without any discrimination of any nature. (Also refer to [Lalu Kumar @ Lal Babu Vs. State of Bihar](#), 2019 (6) BLJ 2016).

21. Karnataka High Court in XXX (accused before the J.J. Board) Vs. State and Others as reported in MANU/KA/3957/2024 has also held that [Section 12](#) of the J.J. Act, 2015 is applicable even to a juvenile who is being tried as adult by Children Court and bail to him can be denied only on the grounds as provided in the Proviso to [Section 12\(1\)](#) of the J.J. Act, 2015. The relevant part of judgment reads as follows:

"9. [Section 12\(1\)](#) of the Act provides that notwithstanding anything contained in the [Code of Criminal Procedure](#), 1973, or any other law for the time being in force, a child, who is produced before the Board, shall be released on bail subject to proviso to [Section 12\(1\)](#) of the Act of 2015. Therefore, it is very clear that even if the child is ordered to be tried as a adult, as provided under [Section 18\(3\)](#) of the Act of 2015, for the purpose of his bail application, [Section 12](#) of the Act of 2015 would be applicable and his bail application cannot be considered under the provisions of Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 11/23 [Code of Criminal Procedure](#). As is evident from [Section 12](#) of the Act of 2015, the only embargo in not releasing a child on bail is that there appears a reasonable ground that his release is likely to bring him into any association with any known criminal or expose him to moral, physical or psychological danger or that release of such a person would defeat the ends of justice. The three disentitlement categories contemplated in the proviso to [Section 12\(1\)](#) of the Act of 2015, would not come in the way of the petitioner's application being considered under [Section 12](#) of the Act of 2015 for the following reasons:-

(a) The nature of crime committed by the petitioner is not likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger; (b) There is no such report available on record which suggests that the petitioner is likely to be exposed to moral, physical and psychological danger; (c) The victim girl and her parents do not apprehend any danger from the petitioner and they have appeared before the Special Court and stated that they have no objection for enlarging the petitioner on bail."

(Emphasis supplied)

22. Allahabad High Court in [Radhika \(Juvenile\) Vs. State of U.P.](#), as reported in 2019 SCC OnLine All 4911 has also held that under [Section 12](#) of the J.J. Act, 2015, nature and character of the alleged crime is not a relevant consideration and bail can be denied to a juvenile only on the grounds as provided in the Proviso to [Section 12](#) of the J.J. Act, 2015. The relevant part of judgment reads as follows:

"27.It is explicit from the plain reading of [Section 12](#) of the Act that irrespective of nature and character of the crime, if a 'child' brought by the police or appears before the Board, such child shall, notwithstanding anything contained in [Code of Criminal Procedure](#), 1973 or any other law enforced in time, "shall' be released on bail with or without surety under the supervision of Probation Officer or under the care of any fit person. The word "fit person' is defined under [section 2\(28\)](#) of the Act, means any person prepared to owe responsibility of a child for a specific purpose and after making due enquiry in this behalf, the Board may give Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 12/23 the custody of child in the hand of "fit person'. Thus, it is clear that the child delinquent has got a right to be released on bail with or without surety and the gravity, nature and depth of the offence shall not come into the way.

28. However, in the proviso of [Section 12\(1\)](#) of the Act, there are three embargoes/riders; namely; (a) if there appears reasonable ground for believing that the release is likely to bring that person into association with any known criminal or; (b) expose that person as moral, physical or psychological danger or; (c) the person's release would defeat the ends of justice, the Board shall record the reasons for denying the bail and circumstances lead to such a decision.

29. From the plain reading of the above proviso, it has been clearly borne out that (1) the juvenile delinquent has got unqualified right to seek bail irrespective of the gravity, depth and seriousness of the offence; (2) his bail could be denied strictly on the three grounds, as mentioned under the proviso of [Section 12](#) of the Act by the Board".

(Emphasis supplied)

23. Punjab and Haryana High Court has also held in [Vishvas vs. State of Punjab](#) as reported in MANU/PH/0067/2021 that under [Section 12](#) of J.J. Act, 2015, the nature and gravity of the alleged offence is not relevant while considering bail application to a juvenile. Bail can be denied to a juvenile under [Section 12](#) of the J.J. Act, 2015 only on the grounds as provided in the proviso to [Section 12\(1\)](#) of the J.J. Act and there must be material on record in support of the grounds. It has also held that 'ends of

justice being defeated' has to be considered in the context of the welfare of the juvenile. The relevant part of judgment reads as follows:

"7. From a bare reading of the provisions of [Section 12](#) of the J.J. Act, it appears that the intention of the legislature is to grant bail to the juvenile irrespective of the nature or gravity of the offence alleged to have been committed by Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 13/23 him, and bail can be declined only in such cases where reasonable grounds are there for believing that the release is likely to bring the juvenile into association of any known criminal or expose him to moral, physical or psychological danger, or that his release would defeat the ends of justice. Meaning thereby, as per aforesaid provision, a juvenile can be denied the concession of bail, if any of the three contingencies specified under [Section 12\(1\)](#) of the J.J. Act is available. Similar view was observed in cases [Manoj Singh vs. State of Rajasthan](#) 2004(2) RCC 995, Lal Chand v. State of Rajasthan MANU/RH/1042/2005 : 2006(1) RCC 167, Prakash v. State of Rajasthan MANU/RH/0549/2005 :

2006(2) RCR (Criminal) 530 and Udaibhan Singh alias Bablu Singh v. State of Rajasthan MANU/RH/1038/2005 : 2005(4) Crimes 649.

8. Learned counsel for the respondent-State has also not pointed out any material available on record to show that there are reasonable grounds for believing that the petitioner is likely to come into the association of any known criminal if released on bail, or his release will expose him to moral, physical or psychological danger. The order passed is mechanical and without adhering to the provisions of [Section 12\(1\)](#) of the J.J. Act, which specifies that 'the Board shall record the reasons for denying the bail and circumstances that led to such a decision.'

12. The Supreme Court and various High Courts, time and again have reiterated the well settled position of law, that gravity of offence is immaterial in deciding the bail application. Bail of a child in conflict with law cannot be rejected in a routine manner and if the bail is declined, a reasoned order has to be given by the Board. A juvenile has to be released on bail mandatorily unless and until the exceptions carved out in proviso to [Section 12\(1\)](#) of the J.J. Act, 2015 itself are made out. The exceptions are noted being:-

- a) a reasonable ground for believing that the release is likely to bring the juvenile into association with any known criminal;
- b) his release is likely to expose him to any moral, physical or psychological danger; and
- c) his release would defeat the ends of justice.

.....

14. The third exception namely 'ends of justice being defeated' has to be considered in the context of the welfare of the juvenile, as has been held by the Delhi High Court in Master Abhishek (Minor) Vs. State (Delhi) MANU/DE/0445/2005 : 2005 VI AD Delhi 18.

(Emphasis supplied)

24. Similar view has been taken by Rajasthan Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 14/23 High Court in [Gau v. State of Rajasthan](#), 2025 as reported in SCC OnLine Raj 2526. The relevant part of the judgment reads as follows :

"7.The language of [Section 12](#) of the Act of 2015 conveys the intention of the Legislature to grant bail to the juvenile, irrespective of nature or gravity of the offence, alleged to have been committed by him and bail can be denied only in the case where there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal, or expose him to moral, physical or psychological danger, or that his release would defeat ends of justice.

(Emphasis supplied)

25. Here, it would be also pertinent to point out that the ends of justice as used in the proviso to [Section 12\(1\)](#) of the J.J. Act is drastically different to one as used in the context of penal statutes. The ends of justice in the context of any Act is ascertained on the basis of the purpose and object of that Act and the objective of the [J.J. Act](#) is to reform and rehabilitate the juveniles and not to punish them, as emerges from the preamble to the [J.J. Act](#), which reads as follows:

"[An Act](#) to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto."

(Emphasis Supplied)

26. The purpose and object of the [J.J. Act](#) manifests Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 15/23 in [Section 3](#) also of the [J.J. Act](#), providing for general principles to be followed in the administration of the Act. [Section 3](#) of the Act reads as follows:

"3. General principles to be followed in administration of Act. The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:--

.....

(iv) Principle of best interest: All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.

.....

(vi) Principle of safety: All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.

(vii) Positive measures: All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.

(viii) Principle of non-stigmatising semantics: Adversarial or accusatory words are not to be used in the processes pertaining to a child."

(Emphasis supplied)

27. High Court of Uttaranchal in X (Juvenile in conflict with law) Vs. State of Uttarakhand, as reported in 2025 SCC OnLine Utt 157 has also held that the [Juvenile Justice Act](#) is child friendly and all decisions regarding the child under the Act should be based on primary consideration of the best interest of the child. It has been also held that any juvenile in conflict with law is entitled to get released on bail irrespective of nature of the offence. Bail could be denied to him Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 16/23 only on the grounds as provided in the proviso to [Section 12 \(1\)](#) of the J.J. Act., 2015. The relevant part of judgment reads as follows:

8. For a child in conflict with law, every offence is bailable.

The CIL is entitled to be released on bail as per [Section 12](#) of the Juvenile Justice (Care and Protection of Children) Act, 2015 ("the Act"), irrespective of the offence having been classified bailable or non bailable. The only rider is the proviso to [Section 12](#) of the Juvenile Justice Act. The child may not be released on bail, if there are grounds to believe that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the release of the person would defeat the ends of justice.

9. [The JJ Act](#) is, in fact, child friendly. The central theme is that the child interest is supreme. [Section 3](#) of the JJ Act incorporates the general principles to be followed in the administration of the Act. According to which, "all decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential. In fact, [Section 3](#) sub section (v) speaks of primary responsibility. According to it, "the primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be".

12.Nothing has been shown that if released the CIL would come into contact with any known criminal or expose him to moral, physical or psychological danger or his release would defeat the ends of justice.

(Emphasis supplied)

28. [The J.J. Act](#) is based on the belief that children are the future of the society and in case they go into conflict with law under some circumstances, they should be reformed and rehabilitated and not punished. No society can afford to punish its children. Punitive approach towards children in conflict with law would be self-destructive for the society. Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 17/23

29. As such, if the keeping of the child in custody is helpful in his development and rehabilitation or protection, only then it could be said that release of the child would defeat the ends of justice. (Also refer

to [Abhishek Vs. State](#), 205 CriLJ (NOC) 115 (Delhi) and Manoj Vs. State (NCT of Delhi, 2006 CriLJ 4759).

30. It also emerges from [Section 3](#) of the Act that Reformatory or Observation Home is only one of the measures contemplated by our legislature for reforming and rehabilitating the delinquent children. However, the family of the child in conflict with law has been considered by the legislature as the best and first desirable institution to achieve the object of the Act. Hence, the primary responsibility of care and protection of the child has been given to the biological family or adoptive or foster parents of the child and it has been contemplated that every child in conflict with law has right to be reunited with his family at the earliest. Institutionalization of a juvenile in conflict with law has been contemplated as the last resort. Such principles manifest in clauses v, xii and xiii of [Section 3](#) of the Act which read as follows:

"3. General principles to be followed in administration of Act. The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:--

Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 18/23

.....

(v) Principle of family responsibility: The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

.....

(xii) Principle of institutionalisation as a measure of last resort:

A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

(xiii) Principle of repatriation and restoration: Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest."

(Emphasis Supplied)

31. Hence, under the [J.J. Act, 2015](#), a child in conflict with law is not expected to be treated as an adult offender. J.J. Boards/Courts are required to adopt fundamentally a different approach while dealing with juveniles in conflict with law. They are expected to deal with such juveniles with all sensibility and responsibility, keeping in mind the purpose and object of the [J.J. Act](#) to reform and rehabilitate the child, so as to make him a responsible and productive member of the society. The society would get ruined if such children are dealt with punitive approach.

32. Similar view has been taken by this Court in [Biswajit Kumar Pandey @ Lalu Kumar](#) Case ([supra](#)), [Nitish Kumar](#) Case ([supra](#)), [Chandan Kumar Paswan](#) Case ([supra](#)), Rakesh Rai Case ([supra](#)) and [Avnish Kumar](#) case ([supra](#)).

Summary of the legal Provisions Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 19/23

33. Hence, it is clearly found that notwithstanding anything contained in the code of criminal procedure or any other law for time being in force, bail to a juvenile in conflict with law is governed by [Section 12](#) of the J.J. Act, 2015.

33(1). [Section 12](#) of the J.J. Act is equally applicable to all juveniles in conflict with law without any discrimination of any nature. Even a juvenile, aged between 16 to 18 years and being accused of heinous offence and being tried by Children Court, is entitled to get bail under [Section 12](#) of the J.J. Act.

33(2). The nature and seriousness of the alleged offence is not relevant for consideration of bail under [Section 12](#) of the J.J. Act.

33(3). "The ends of justice" as used in the proviso to [Section 12\(1\)](#) of the J.J. Act is drastically different to one as used in general criminal jurisprudence. If the detention of the juvenile at Observation Home or other institutions as contemplated under the [J.J. Act](#) is helpful in protection, development and rehabilitation of the juvenile, only then it can be said that release of the child would defeat the ends of justice.

33(4). The family of the child in conflict with law is the best and first desirable institution to achieve the object of the J.J. Act. Institutionalization of a juvenile in conflict with law is Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 20/23 the last resort and every child in conflict with law has right to be reunited with his family at the earliest.

33(5). Under [Section 12](#) of the J.J. Act, 2015, bail to a juvenile is a rule and the refusal of the same is an exception and it can be denied only on the grounds as provided in the proviso to [Section 12\(1\)](#) of the J.J. Act, 2015.

33(6). The denial of bail must be reasoned and the grounds of denial must be based on relevant facts and circumstances, as emerging from the material on record. Social Investigation Report is one of the most important such material. Perusal of such report is mandatory as per [Section 15\(2\)](#) of the J.J. Act, 2015. The Board/Court is required to know not only about the offence committed by the juvenile but even about the socio-economic conditions/circumstances under which the offence was committed, so that, appropriate order in regard to the juvenile in conflict with law could be passed with intent to reform and rehabilitate the juvenile and reintegrate him with the mainstream of the society.

33(7). All resources have to be mobilized including those of the family and the community for reforming and rehabilitating the juvenile in conflict with law to make him productive member of the society. (Refer to [Section 3\(vii\)](#) of Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 21/23 the [J.J. Act, 2015](#).) Present Case

34. Coming to the case on hand, I find that the four year old child of the informant has been unfortunately killed, but nobody has seen the commission of the alleged offence. However, initially the four persons, Nitu Kumari and her parents as well as Shubhlal Patel were charge-sheeted and during course of investigation, for about 23 months, name of the appellant never transpired till the informant and his wife again expressed their suspicion in their statement that the appellant is also involved in the commission of murder of their child and thereafter, the police has submitted charge-sheet against him only on the basis of such suspicion expressed by the parents of the unfortunate child.

35. The Court has all sympathy for the child who has lost his life. However, as per record, prima facie, there is no legally admissible material at all which may connect the appellant with the alleged offence.

36. Moreover, I find that the appellant has no criminal antecedent, nor has any of his family members any history of crimes. But learned Children Court has erroneously held that in his opinion, the release of the appellant on bail is likely to bring Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 22/23 him in bad association with the criminals and expose him to moral and psychological danger. Such finding of learned Children Court is baseless.

37. I also find that learned Children Court has again committed error to hold that release of the appellant on bail would defeat to ends of justice. Here, it appears that learned Children Court is not aware of the meaning of 'ends of justice' in the context of [Juvenile Justice Act. Under the J.J. Act](#), if the detention of the juvenile in conflict with law would better ensure the development and reintegration with the society, only then his release on bail may be held to be defeating the ends of justice. But in the case on hand, it transpires that the environment of the family cannot be said that it is not conducive for the progress and development of the appellant, because his parents have no criminal history, nor the appellant has any criminal antecedent.

38. It goes without saying that no one can take better care than the parents of their child and that is why the family is held to be the first desirable institution for development of a juvenile in conflict with law and institutionalization of the juvenile is the last resort. Hence, release of the appellant on bail would not defeat the ends of justice and in fact, it will serve the Patna High Court CR. APP (SJ) No.4784 of 2025 dt.29-09-2026 23/23 ends of justice by ensuring better development of the juvenile in conflict with law amongst his family members.

39. Accordingly, the present appeal is allowed, setting aside the impugned order, directing the appellant to be released on bail, subject to furnishing the bail bond of Rs.10,000/- and undertaking by his father by way of affidavit that he would keep vigil on the appellant regarding his habits and he would not allow the appellant to come in contact with any criminal persons and take care of the developmental needs of the appellant and the appellant would attend the Court as and when required or directed. The father of the appellant is also directed to give undertaking that the appellant will continue his studies and if possible he will take some vocational training. He will also ensure that he does not get involved in the commission of any offence.

40. The Trial Court Records be sent back to the Court concerned forthwith along with a copy of this judgment.

(Jitendra Kumar, J) shoaib/-

AFR/NAFR	A.F.R.
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