



2025:004 - 1 43:2947

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL REVISION No. - 912 of 2025

X (Juvenile) Thru. His Natural Guardian I.E.
Brother

.....Revisionist(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko
And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Bhupendra Veer Singh, Ajay Shukla,
Aman Bahadur, Ayush Kumar, Hari
Bux Singh, Pawan Kumar Maurya,
Siddhant Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 27

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the record.
2. Supplementary affidavit and counter affidavit filed today, are taken on record.
3. Instant Criminal Revision under Section 102 of the Juvenile Justice (Care and Protection of Children) act, 2000 has been preferred against the impugned order dated 02.07.2025 passed by Special Judge, Children Court, Lakhimpur kheri, in Criminal Appeal No.45/2025, Namanpuri versus State of U.P. & others, arising out of Case Crime No.209/2025, under Sections 191(3), 191(2), 190, 115(2), 103(1), 109(1), 351(3) BNS, Police Station-Kotwali Sadar, District-Lakhimpur Kheri, by which appeal of the revisionist has been rejected.
4. Learned counsel for the revisionist has drawn the attention of the Court towards the impugned F.I.R. in the case, wherein specific allegation regarding the commission of murder of Dev Seth alias Amogh, son of

Bharat Seth, has been attributed to the accused no.1 Anmol Puri alias Bala. According to the F.I.R. version, the informant Bharat Seth has alleged that the occurrence took place on 10/03/2005 at around 7:20 P.M. He was sitting in the shop when Himanshu Mishra told him that his son, Dev Seth, was coming to the shop by Scooty along with his friend Dhruv in front of the depot. Anmol Puri alias Bala, accompanied by five unknown persons, engaged in marpit with his son in view of old enmity. The informant rushed to the place of incident along with Deepak Gupta and had seen that Anmol Puri had fired a shot on the chest of his son and his accomplices had also fired shots which hit Aditya Kashyap. Thereafter, the accused persons fled away by flashing their arms. His son died in the hospital. Prior to the incident, a threatening call was made on his mobile phone from mobile number 6394543307. He next submitted that in the F.I.R. as well as in the statements of eye witnesses, no role has been assigned to the revisionist. The only allegation against the revisionist is that he was also an accomplice of the main accused, Bala, at the place of incident when the deceased was shot by Bala. He further submitted that inasmuch as eight accused persons are already released on bail by orders of coordinate Benches of this Court. Copies of the bail orders are filed as Annexure-7 to the affidavit filed in the present revision.

5. He next submitted that the postmortem examination report mentions a fire entry wound over the left side of the chest and a fire exit wound over the right back of the chest and the cause of death has been shown to be shock and hemorrhage, as a result of antemortem fire injuries.

6. He next submitted that the Juvenile Justice Board had dismissed the bail application of the revisionist in a mechanical manner, without

considering the fact that no specific role has been assigned to the revisionist by the witnesses in the alleged occurrence. He further submitted that the learned appellate court also dismissed the bail of the revisionist without taking into consideration the grounds mentioned in the appeal of revision.

7. He lastly submitted that learned courts below have not cited the legal provisions of Section 12 of the Juvenile Justice (Care and Protection) Act, 2015, which provides as under:-

12. Bail to a person who is apparently a child alleged to be in conflict of 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 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 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 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.

8. He next submitted that there is no material in support of the allegation on the basis of which the court can record its satisfaction that on being released on bail, the juvenile revisionist is likely to come into association with unknown criminals, or it will expose him to more psychological and physical danger, or the release on bail of the revisionist ends of justice. He also stated that the District Probation Officer had not recorded anything adverse against the revisionist in the social investigation report. The revisionist is held in the observation home since 09/05/2025.

9. Learned courts below have rejected the prayer for bail made on behalf of the revisionist on the ground that he was a member of an unlawful assembly, out of which one person had committed the murder of the son of the informant and some of them assaulted assaulted Aditya Kashyap and Dinesh Kashyap, due to which they suffered serious injuries. Aditya

Kashyap failed to name the assailant who inflicted injuries on him under sections 161 and 164 of the CrPC.

10. Considering the rival submissions made by learned counsel for the parties, the nature of offences, the complicity of the accused, and the fact that no specific role has been assigned to the revisionist in the alleged offence, he is a juvenile in conflict of law, and there is nothing substantially adverse in social investigation report of the District Probation Officer. I am of considered opinion that both courts below have committed legal error while dismissing the prayer for bail made on behalf of the revisionist, which is not in consonance with the law of bail in respect of the juvenile act provided under section 12 of the act. It is accordingly **allowed**. The impugned order dated 02.07.2025 passed by Special Judge, Children Court, Lakhimpur kheri, in Criminal Appeal No.45/2025 and order dated 17.06.2025 passed by JJB, Lakhimpur Kheri in Case Crime No. 209 of 2025 are not substantiated and are hereby **set aside**.

11. Let the revisionist **Juvenile "X"** involved in the aforementioned case crime be released on bail, on his guardian furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- i. The revisionists (juvenile) will not tamper with the evidence.
- ii. The revisionists (juvenile) will not indulge in any criminal activity.
- iii. The revisionists (juvenile) will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
- iv. The revisionists (juvenile) will appear regularly on each and every date

fixed by the trial court unless their personal appearance is exempted through counsel by the court concerned.

(Ram Manohar Narayan Mishra,J.)

December 17, 2025
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