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2026:CGHC:39728

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1074 of 2026

ABC (Juvenile) S/o XYZ, Aged About 17 Years

... Applicant

versus

State Of Chhattisgarh Through S. H O. Police Station Masturi,
District Bilaspur C. G.

... Respondent

For Applicant	: Mr. Shyam Kumar, Advocate
For State	: Mr. Suresh Kumar Tandon, P.L.
For Objector	: Mr. U. K. S. Chandel, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

10/09/2026

1. The present Revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 has been preferred against the impugned order dated 31.07.2026 passed by the Additional Sessions Judge (FTC)/Children Court, Bilaspur in Criminal Appeal No. 234/2026 upholding the order dated 14.07.2026 passed by the Principal Judge, Juvenile Justice Board, Bilaspur (C.G.) in Crime No. 736/2025 registered at P.S. Masturi, District

Bilaspur for the offence u/s 109, 61(2), 3(5) of BNS and sections 25 & 27 of the Arms Act, whereby the bail application of the applicant was rejected.

2. This is the second criminal revision. The first Criminal Revision No.75/2026 filed by the applicant against the rejection of his first bail application was dismissed on merits by this Court vide order dated 03.02.2026.
3. **(i)** As per the prosecution case, on 29.10.2025 a report was lodged by the complainant at P.S.Masturi, District Bilaspur that on 28.10.2025 at about 05.55 in the evening he was sitting along with his maternal uncle and 9-10 persons and they were discussing things. At that time, 2 unknown persons started firing on them from a distance of about 10-15 feet with intention to kill them from the right and left sides of vehicles parked on road. The complainant and all those sitting there fled to save their lives. A bullet pierced into Raju Singh's left knee and a finger on his left hand, causing injury near his waist. The two unidentified assailants fired indiscriminately with pistols, intending to kill the complainant Raju Singh. Both the assailants wearing handkerchiefs over their mouths, fled towards Bilaspur Road after the shooting. On such complaint, the crime was registered. During investigation, the juvenile applicant was found to be involved in the incident, he was arrested on 29.10.2025 and detained in the observation Home in Bilaspur.
- (ii)** The applicant had filed application u/s 12 of the Juvenile Justice Act before the Juvenile Justice Board, which has been rejected by order dated 14.07.2026, against which, he had filed an appeal. The appellate Court has rejected the appeal and affirmed the order passed by the Juvenile Justice Board by impugned order dated

31.07.2026. Hence this appeal.

4. Learned counsel for the juvenile applicant submits that out of the total 11 accused persons, 10 are major accused and one is a juvenile, i.e., the present applicant. Out of the 10 major accused, five accused persons, namely, Akbar Khan, Devesh Suman, Mohammad Mustakim, Vishwajeet Anant and Mohammad Matin, have already been enlarged on bail by the Co-ordinate Bench, while two accused persons are absconding. It is further submitted that only a motorcycle has been recovered from the applicant. No weapon whatsoever has been recovered or seized from his possession. On the other hand, a weapon was allegedly recovered from the possession of accused, Mohammad Mustakim, who has been granted bail. Thus, the present applicant stands on a better footing and is entitled to the benefit of parity.
5. Learned counsel for the applicant further submits that the name of the applicant does not find mention in the FIR. There is no eye-witness to the occurrence. The applicant is neither alleged to be the shooter nor has any incriminating weapon been recovered from him. His alleged role is confined only to that of the driver of the motorcycle. It is also submitted that the Social Status Report does not contain any adverse material against the applicant. The applicant has been in custody since 29.10.2025. It has been 7 months since the first bail was rejected, and there is no progress in the trial. There is no likelihood that his release would bring him into association with any known criminal or expose him to moral, physical or psychological danger. In view of the aforesaid facts and on the ground of change of circumstances, he submits that the applicant should be enlarged on bail.

6. On the other hand, learned counsel for the State as well as the Objector, opposes the prayer for grant of bail and submits that the name of the juvenile applicant has been disclosed in the statement of the witness recorded under Section 164 of the Code of Criminal Procedure. As per the said statement, the juvenile applicant was driving the motorcycle, while the shooter, who was sitting as a pillion rider, fired the shot during the occurrence. The juvenile applicant has a previous criminal record pertaining to the year 2025. In view of the specific role attributed to the juvenile applicant and his previous criminal antecedent, he does not deserve to be released on bail.
7. I have heard learned counsel for the parties and perused the material placed on record.
8. Out of the total 11 accused persons, 10 are major accused, and the applicant is the only minor accused. Out of the 10 major accused, five accused persons have already been enlarged on bail, while two accused persons are stated to be absconding.
9. The Social investigation report states that the juvenile in conflict with law is being detained in the reformatory/observation home for the first time, but a crime has been registered against the juvenile u/s 191(2), 296, 351(2 and 115(2) of the IPC in Crime No.31/2005 at Masturi Police Station. The juvenile has committed the present crime with co-offenders, who are adults.
10. In the instant case, after the rejection of the first criminal revision, a period of seven months has elapsed. It is further evident that five major accused persons have already been enlarged on bail, including the accused who is alleged to be the shooter and from whose possession a weapon was recovered and seized. The Social Status Report

also does not contain any adverse material against the applicant. There are total 73 prosecution witnesses. The inquiry is likely to take some further time to conclude. The applicant has remained in custody since 29.10.2025.

11. In view of the aforesaid facts and circumstances, particularly considering the period of custody already undergone by the applicant, the likelihood of the trial taking considerable time, and the change in circumstances, this Court is of the considered view that the applicant deserves to be released on bail.
12. Accordingly, the orders passed by the Additional Sessions Judge (FTC), Bilaspur and the Juvenile Justice Board are set aside, and the Revision is **allowed**. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** by the parents/guardian with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of the said guardian. Along with the bail bond, copies of the Aadhar Card and coloured Post Card full size photo shall also be submitted by the applicant as well as by the surety, which shall be duly verified by the trial Court.
13. It is observed that the person stands as surety will furnish an undertaking that the applicant shall not come in contact with any bad element and in case, if he is found to be indulged in any unlawful act, the surety/father of the applicant shall inform to the concerned Police Station.

Sd/-
(Sanjay Kumar Jaiswal)
Judge