



2026:AHC:186132

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3697 of 2026

Bal Apchari Child Delinquent

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Lalita Mishra, Rajnish Shukla
Counsel for Opposite Party(s) : Anjani Kumar Singh, Shweta Nishad,
G.A.

Court No. - 78

HON'BLE DIVESH CHANDRA SAMANT, J.

1. Heard learned counsel for the Revisionist, learned A.G.A. for the State, learned counsel for Opposite Party No. 2, and perused the record.
2. This criminal revision has been preferred by the Revisionist through his mother/natural guardian under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the "J.J. Act, 2015"), read with Sections 438/442 of the B.N.S.S., challenging the order dated 05.05.2026 passed by the In-charge Principal Magistrate, Juvenile Justice Board, Gorakhpur (hereinafter referred to as the "J.J. Board") in Case Crime No. 98 of 2026, under Sections 103(2), 191(2), 191(3), 190 and 61(2) of the BNS, Police Station Chiluwatal, District Gorakhpur, whereby the bail application of the Revisionist was rejected and the order dated 26.05.2026 passed by the Additional Sessions Judge/Special Judge (POCSO Act), Court No. 1, Gorakhpur, in Juvenile Appeal No.63 of 2026, whereby the appeal has also been dismissed.
3. It has been contended by learned counsel for the Revisionist that the Revisionist is a juvenile in conflict with law, is innocent, and has been falsely implicated in the present case. The Revisionist was not named in the First Information Report, and he has been implicated merely on the basis of the statements of the witnesses. No specific role has been attributed to the Revisionist. It is further contended that the findings recorded by the J.J. Board as well as the Appellate Court are contrary to the report submitted by the Probation Officer in his Social Investigation Report.
4. It is further submitted that the Social Investigation Report prepared by the Probation Officer is erroneous, as the conclusion recorded therein is not

supported by the inquiry conducted by the Probation Officer, which is apparent from a perusal of the said report. Learned counsel for the Revisionist has further submitted that there is no material on record to justify the rejection of bail on any of the grounds contemplated under Section 12 of the J.J. Act, 2015. Both the Courts below have failed to properly consider the requirements of Section 12 of the J.J. Act, 2015. There are no reasonable grounds for believing that the release of the Revisionist is likely to bring him into association with any known criminal, expose him to moral, physical or psychological danger, or otherwise defeat the ends of justice.

5. It is also submitted that the co-accused persons, namely, Devendra Kumar, Chootu @ Manvendra Singh, Sonu Yadav @ Balle Yadav, and another juvenile in conflict with law, have already been granted bail by co-ordinate Benches of this Court vide orders dated 17.07.2026, 12.05.2026, 04.06.2026 and 31.08.2026 passed in Criminal Misc. Bail Application Nos. 23487 of 2026, 16122 of 2026, 18505 of 2026 and Criminal Revision No. 3572 of 2025, respectively.

6. Lastly, it has been submitted that the Revisionist, being a juvenile in conflict with law, has been in the Observation Home since 19.02.2026, and his prolonged detention is adversely affecting his mental health and psychological well being. Therefore, it is submitted that both the impugned orders are liable to be set aside and the Revisionist is entitled to be released on bail.

7. Learned A.G.A. for the State as well as learned counsel for Opposite Party No. 2 have opposed the submissions advanced by learned counsel for the Revisionist and have submitted that both the Courts below have considered the material available on record and have passed the impugned orders, which are just, proper and in accordance with law.

8. It is a well-settled principle that, while exercising revisional jurisdiction under Section 102 of the J.J. Act, 2015 against an order refusing bail to a juvenile, the High Court must strictly adhere to the parameters prescribed under Section 12 of the J.J. Act, 2015. The gravity of the alleged offence, by itself, is not a ground to deny bail to a juvenile. Bail can be denied only where there are reasonable grounds for believing that the release of the juvenile is likely to bring him into association with any known criminal, expose him to moral, physical or psychological danger, or that his release would otherwise defeat the ends of justice.

9. A copy of the Social Investigation Report of the Revisionist submitted by the Probation Officer is available on record. It shows that the Probation

Officer conducted a social investigation on forty-nine points, in which nothing adverse appears to have been recorded. However, in the concluding portion of the report, the Probation Officer has opined that the release of the Revisionist may expose him to moral, physical or psychological danger. Such conclusion prima facie does not appear to be supported by the information gathered by the Probation Officer during the investigation on the aforesaid forty-nine points.

10. Considering the facts and circumstances of the case, the submissions advanced by learned counsel for the parties, the orders passed by the J.J. Board and the Appellate Court, the Social Investigation Report submitted by the District Probation Officer, and the fact that the other co-accused persons, including one juvenile in conflict with law, have already been granted bail by co-ordinate Benches of this Court, as well as the fact that no greater or specific role has been assigned to the present Revisionist than that attributed to the other co-accused persons, this Court is of the considered opinion that the Social Investigation Report has not been properly appreciated by the Courts below.

11. This Court has also taken into consideration the period of detention already undergone by the juvenile in the Observation Home. In view of the aforesaid facts and circumstances, both the impugned orders appear to have been passed without properly considering the parameters prescribed under Section 12 of the J.J. Act, 2015 and, therefore, are liable to be set aside.

12. Accordingly, the present Criminal Revision is **allowed**. The order dated 05.05.2026 passed by the In-charge Principal Magistrate, Juvenile Justice Board, Gorakhpur, in Case Crime No. 98 of 2026, under Sections 103(2), 191(2), 191(3), 190 and 61(2) of the BNS, Police Station Chiluwatal, District Gorakhpur, and the order dated 26.05.2026 passed by the Additional Sessions Judge/Special Judge (POCSO Act), Court No. 1, Gorakhpur, in Juvenile Appeal No.63 of 2026 are hereby **set aside**.

13. It is directed that the **delinquent/Revisionist be released on bail** in Case Crime No. 98 of 2026, under Sections 103(2), 191(2), 191(3), 190 and 61(2) BNS, 2023, Police Station Chiluwatal, District Gorakhpur, upon his mother/natural guardian furnishing a personal bond and two sureties each in the like amount to the satisfaction of the J.J. Board, Gorakhpur, subject to the following conditions:

(i) The mother/natural guardian shall furnish an undertaking that she shall keep the Revisionist under her strict supervision, care and control and shall ensure that the juvenile/Revisionist does not come into contact with any

known criminal or undesirable person.

(ii) The Revisionist shall not indulge in any illegal or anti-social activity and shall continue his educational or vocational pursuits. His mother/natural guardian shall encourage him to engage himself in constructive activities and shall exercise strict supervision to ensure that the valuable time of the Revisionist is not wasted.

(iii) The mother/natural guardian, along with the Revisionist, shall report to the District Probation Officer on the first day of every calendar month.

(iv) The District Probation Officer shall keep a periodic watch over the conduct of the juvenile and submit a status report to the J.J. Board, Gorakhpur, every three weeks or at such periodic intervals as may be determined by the J.J. Board.

September 7, 2026
I.A.Siddiqui

(Divesh Chandra Samant,J.)