IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 519 of 2026

Arman Ansari, son of Md. Hafij, aged about 18 years, resident of Village-Bishanpur, P.S. & P.O. Pachamba, District- Giridih **... Petitioner**

-Versus-

The State of Jharkhand **... Opposite Party**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Prabhat Kumar Sinha, Advocate
Mr. Aditya Mazumdar, Advocate
Mr. Mayank Mridul, Advocate
For the State : Mr. Vijoy Kumar Sinha, A.P.P.

05/30.09.2026 Heard Mr. Prabhat Kumar Sinha, learned counsel appearing for the petitioner and Mr. Vijoy Kumar Sinha, learned counsel appearing for the State.

2. This criminal revision petition has been preferred for setting-aside the order dated 16.03.2026 passed by the learned District & Additional Sessions Judge-I, Giridih in Criminal (Miscellaneous) Appeal No.12/2026 and for setting-aside the order dated 20.01.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in Pachamba P.S. Case No.119/2025, registered for the offence under Section 103(1)/238 of Bhartiya Nyaya Sanhita, 2023, whereby, the prayer for bail of the petitioner has been rejected by both the learned Courts.

3. Learned counsel for the petitioner submits that at the time of alleged crime, the petitioner was a juvenile and at that time, he was aged about 17 years and 9 months and 29 days. He further submits that during the course of investigation, the name of the petitioner transpired in the statement of witness Md. Saif who is renter of the informant and, thereafter, the petitioner was apprehended and the petitioner has confessed the crime before the police. He then submits that after completion of investigation, Charge-sheet

No.259 dated 12.12.2025 has been submitted and, thereafter, cognizance has been taken against the petitioner. He next submits that the petitioner has been declared juvenile on inquiry. He also submits that the petitioner was apprehended on 17.11.2025 and since then he is in judicial custody. He further submits that there is no eye-witness to the alleged occurrence. He then submits that the petitioner is having no criminal antecedent. He next submits that by the last order, the Coordinate Bench of this Court has called for Social Investigation Report, which has been received and in the said Report, there is no adverse remark against the petitioner. He also submits that the petitioner is being represented by his father and the father is ready to give undertaking that he will keep the petitioner in good behaviour and character in future and he will prevent the petitioner from associating with any known criminal and from exposing him to moral, physical or psychological danger and he is ready to swear an affidavit in this regard. On these grounds, he submits that on any condition, the bail may kindly be granted to the petitioner, who is a juvenile.

4. Learned counsel appearing for the State opposed the prayer and submits that the petitioner's name has transpired during the course of investigation and the allegation of murder of daughter of the informant is there and in view of that, the prayer for bail of the petitioner may kindly be rejected.

5. Admittedly the petitioner was aged about 17 years 9 months and 29 days at the time of alleged occurrence. The Social Investigation Report has been received, wherein, no adverse remark has been made against the petitioner.

6. The petitioner is being represented through his father and the father of the petitioner is ready to give any undertaking to the effect that the child will not be exposed to any moral, physical and phycological danger.

7. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, deals with bail to juveniles. On perusal of Section 12 of the J.J. Act, 2015, it is crystal clear that that Section 12 of the Act overrides the bail provisions as contained in the Criminal Procedure, 1973 or any other law for time being in force. It is further crystal clear that 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.

8. From Section 12 of the said Act, it also transpires that seriousness of the alleged offence or the age of the juvenile are also no relevant consideration for denial of bail 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 with regard to grant of bail. Section 12 of the Act is applicable to all juveniles in conflict with law without any discrimination of any nature.

9. The Juvenile Justice Act is based on 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. At the same time if the peeking 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.

10. In view of above discussions, the Court is satisfied that the reasoning and conclusion of the learned appellate court as well as Juvenile Justice Board is that there is likelihood that the petitioner will come into the association of dreaded criminals and there is likelihood of moral, physical and psychological danger of the petitioner if released on bail not founded on reasonable grounds.

11. The gravity of allegation has not been properly appreciated and the mandatory provision of Section 12 of J.J. Act, 2015 as well as other provisions relating to the juvenile has declined to grant bail to the juvenile on the basis of unfounded apprehension. In the absence of any material or evidence of reasonable grounds, it cannot be said that his release would defeat the ends of justice and have failed to give reasons on three contingencies for declining the bail to the revisionist. The findings recorded by the Juvenile Justice Board as well as appellate court are based on heinousness of the offence. Thus, the order dated 16.03.2026 passed by the learned District & Additional Sessions Judge-I, Giridih in Criminal (Miscellaneous) Appeal No.12/2026 and the order dated 20.01.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in Pachamba P.S. Case No.119/2025 are not sustainable in the eye of law and, hence, both the orders are set-aside and the present criminal revision petition is allowed.

12. Since the revisionist is in custody since 17.11.2025, he is directed to be released on bail via assurance and surety given by his natural guardian/father in connection with Pachamba P.S. Case No.119/2025, after furnishing a personal bond of his father (Md. Hafij) with two sureties of his relative each in the like amount to the satisfaction of Juvenile Justice Board, Giridih subject to the following conditions: -

(i) Natural guardian/father will furnish an undertaking that upon release on bail the revisionist will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the father will ensure that the juvenile will not repeat the offence.

(ii) Natural guardian/father will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits.

(iii) Juvenile and natural guardian/father will report to the Probation Officer on the second Monday of every calendar month commencing with the second Monday of October, 2026, and if during any calendar month the second Monday falls on a holiday, then on the following working day.

(iv) The Probation Officer will keep a strict vigil on the activities of the juvenile and regularly draw up his social investigation report that would be submitted to the Juvenile Justice Board, Giridih on

such a periodical basis as the Juvenile Justice Board may determine.

13. Accordingly, this criminal revision petition is disposed of in above terms. Pending I.A., if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 30th September, 2026
Ajay/

Uploaded on
1st October, 2026