IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 640 of 2026

1. Ganga Ram Tudu, aged about 16 years, son of Som Tudu represented through his natural guardian and father namely, Soma Tudu
2. Fransis Tudu, aged about 16 years, son of Sadhan Tudu, represented through his natural guardian and father namely, Sadhan Tudu
3. Anil Marandi, aged about 16 years, son of Som Marandi, represented through his natural guardian and father namely, Som Marandi
All of village-resident-Khajurdanga, P.O. Torai, P.S. Hiranpur, District-Pakur, Jharkhand

..... … Petitioners

Versus

The State of Jharkhand ..... … Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners :Mr. Niraj Narayan Mishra, Advocate
For the State : Mr. Rajneesh Vardhan, A.P.P.

02/ 30.09.2026: Heard learned counsel for the petitioners and learned counsel for the State.

2. This criminal revision has been preferred against the order dated 27.04.2026 passed by the learned Additional Sessions Judge-I, Pakur in Criminal Appeal No. 12 of 2026 whereby the learned court has been pleased to dismiss the appeal affirming order dated 24.03.2026 passed by the learned Juvenile Justice Board, Pakur in Misc. Cri. Application No. 411 of 2026 in connection with Hiranpur P.S. Case No. 05 of 2026, corresponding to Juvenile Case No. 09 of 2026 registered under sections 103(1), 238 and 3(5) of BNS, pending in the Court of learned Principal Magistrate, Juvenile Justice Board, Pakur.

3. Learned counsel for the petitioners submits that the petitioners were aged about 16 years at the time of alleged crime and filed the present revision application through their natural guardian/father. He submits that the fathers are ready to give undertaking that they will keep the petitioners in good behaviour and character in future and prevent them from associating with any known criminals and they will not allow the children to expose to any moral, physical, or psychological danger and in this regard they are ready to swear affidavit. He further submits that the petitioners are not named in F.I.R and they are students having no criminal antecedent. He next submits that the name of the petitioners has come in the confessional statement of Albinush Tudu. He further submits that the petitioners are in Remand Home since 07.02.2026. He also submits that the learned appellate

court has found the social investigation report in favour of the petitioners however, has been pleased to reject the appeal. He further submits that there is no eye witness to the occurrence and in this view of the matter petitioners may kindly be released on bail.

4. Learned counsel for the State opposes the prayer and submits that name of the petitioners has come in the confessional statement of Albinush Tudu and in view of that the petitioners may not be released on bail.

5. In view of above facts, it is an admitted position that the petitioners are juvenile and they are in Remand Home since 07.02.2026. The petitioners are student. The name of the petitioners has come in the confessional statement. The petitioners are being represented by their father and they are ready to give undertaking that they will take care of the child.

6. It appears that the learned Principal Magistrate, Juvenile Justice Board been pleased to reject the bail application of the petitioner on the ground that there is chance that the petitioners will come into contact with dreaded criminals and he will be exposed to moral, physical, or psychological danger.

7. In view of above discussions, the Court finds that the reasoning and conclusion of the learned appellate court as well as Juvenile Justice Board is not founded on reasonable grounds in the light of Section 12 of the Juvenile Justice (Care and Protect of Children) Act, 2015.

8. 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.

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 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.

10. 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 revisionists. The findings recorded by the Juvenile Justice Board that the petitioners will come in contact with dreaded criminals. Thus, the order dated 27.04.2026 passed by the learned Additional Sessions Judge-I, Pakur in Criminal Appeal No. 12 of 2026 and the order dated 24.03.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Pakur in Misc. Cri. Application No. 411 of 2026 in connection with Hiranpur P.S. Case No. 05 of 2026, corresponding to Juvenile Case No. 09 of 2026 are not sustainable in the eye of law and hence both the orders are set aside and the present criminal revision is allowed.

11. Let the revisionists who are in Remand Home, Pakur since 07.02.2026 be released on bail via assurance and surety given by their natural guardian/father, in connection with Hiranpur P.S. Case No. 05 of 2026, corresponding to Juvenile Case No. 09 of 2026, after furnishing a personal bond on their father (Som Tudu, Sadhan Tudu and Som Marandi respectively) with two sureties of his relatives each in the like amount to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Pakur subject to the following conditions:

(i) Natural guardian/father will furnish an undertaking that upon release on bail the revisionists 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 their study at the appropriate level which he would be encouraged to do besides other constructive activities and not

be allowed to waste their 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, Pakur, on such a periodical basis as the Juvenile Justice Board may determine.

12. This criminal revision petition is allowed and disposed of. Pending I.A, if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dt. 30.09.2026
Satyarthi/-