IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 750 of 2026

Shailendra Balmuchu @ Badal Balmuchu, aged about 18 years, son of Dishu Balmuchu, through natural guardian namely Dishu Balmuchu (father of the petitioner), son of Songa Balmuchu, resident of village – Kudahatu, Tola – Dodrobasa/Dadribasa, PO and PS – Jhinkpani, District – West Singhbum, Jharkhand **.... Petitioner**

-- Versus --

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Anjani Kumar, Advocate
For the State :- Mr. Fahad Allam, Advocate

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*02**/30.09.2026*** Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

2. This criminal revision has been preferred against the order dated 13.04.2026 passed by learned Additional Sessions Judge-I-cum-Special Judge (Children's Court), West Singhbhum at Chaibasa, in Criminal Appeal No.20 of 2026 whereby the said appeal has been dismissed and affirmed the order dated 23.03.2026 passed by learned Juvenile Justice Board, West Singhbhum at Chaibasa in connection with Tonto P.S. Case No.15 of 2025 corresponding to Enquiry (Juvenile) Case No.48 of 2025 for the offence under Sections 103(1), 238 and 3(5) of Bharatiya Nyaya Sanhita, 2023 pending in the Court of learned Juvenile Justice Board, West

Singhbhum at Chaibasa.

3. Learned counsel appearing for the petitioner submits that the petitioner was aged about 17 years 9 months and 2 days at the time of alleged occurrence. He further submits that the petitioner is not named in the FIR and the name of the petitioner has surfaced in the course of investigation and on confessional statement of Pandu Balmuchu. He then submits that in identical situation the persons, who are major have been granted regular bail by a Co-ordinate Bench of this Court in B.A. No.1462 of 2026, 9924 of 2025 and 4121 of 2026. He next submits that the petitioner is in custody since 30th May, 2025. He also submits that in social investigation report there is no adverse remark against the petitioner and that aspect has not been correctly appreciated by the learned courts. He next submits that the petitioner is being represented through natural guardian/father and father is ready to give undertaking to keep the petitioner in good behaviour and character in future and will prevent him from associating with any known criminal and from exposing him to moral, physical and psychological danger and he is ready to swear an affidavit in this regard.

4. Learned counsel appearing for the State opposes the prayer and submits that the name of the petitioner has surfaced in the course of investigation.

5. 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 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 appear 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.*

6. In light of 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.

7. 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.

8. 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.

9. The gravity of allegation has not been properly appreciated and mandatory provision of Section 12 of Juvenile Justice Act 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 materials or evidences of reasonable grounds, it cannot be said that his release would defeat the ends of justice and the learned Court has 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 13.04.2026 passed by learned Additional Sessions Judge-I-cum-Special Judge

(Children's Court), West Singhbhum at Chaibasa, in Criminal Appeal No.20 of 2026 and order dated 23.03.2026 passed by learned Juvenile Justice Board, West Singhbhum at Chaibasa in connection with Tonto P.S. Case No.15 of 2025 corresponding to Enquiry (Juvenile) Case No.48 of 2025 are not sustainable in the eye of law and hence both the orders are hereby set aside and the preset criminal revision is allowed.

10. Let the revisionist who is in observation home since 30.05.2025 be released on bail via assurance and surety given by his natural guardian/father, in connection with Tonto P.S. Case No.15 of 2025 corresponding to Enquiry (Juvenile) Case No.48 of 2025 for the offence under Section 103(1), 238 and 3(5) of Bharatiya Nyaya Sanhita, 2023 pending in the Court of learned Juvenile Justice Board, West Singhbhum at Chaibasa after furnishing a personal bond on his father (Dishu Balmuchu) with two sureties of his relatives each in the like amount to the satisfaction of learned Juvenile Justice Board, West Singhbhum at Chaibasa, 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.*
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> ***(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, West Singhbhum at Chaibasa, on such a periodical basis as the Juvenile Justice Board may determine.*

11. This criminal revision petition is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 30.09.2026
Sangam/