IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 658 of 2026

Chandan Kumar Sah, aged about 13 years 5 months, son of Rajesh Kumar Sah, resident of Gopalpur Badiyamor, P.O. and P.S. Palajori, Subdivision Madhupur, District-Deoghar through his father and natural guardian Rajesh Kumar Sah, aged about 42 years, son of Shri Dayal Sah, resident of House No. 76, Village-Gopalpur, Badiyamor, P.O. and P.S. Palajori, Subdivision-Madhupur, District-Deoghar ..... … Petitioner

Versus

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. Kaushik Sarkhel, Advocate
For the State : Mr. Rajneesh Vardhan, A.P.P.

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

2. This criminal revision has been preferred against the order dated 20.05.2026 passed by the learned Additional Sessions Judge-I-cum-Children Court, Jamtara in Criminal Appeal No. 6 of 2026 whereby the learned court has been pleased to dismiss the appeal affirming order dated 02.05.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Jamtara in connection with Jamtara P.S. Case No. 137 of 2025, corresponding to G.R. No. 163 of 2026 registered under sections 309 (6) of BNS and section 27 of Arms Act, charged under sections 310(2), 311 of BNS, 2023 and Sections 25(1-b), 26, 35 and 27 of Arms Act , pending in the Court of learned Principal Magistrate, Juvenile Justice Board, Jamtara.

3. Learned counsel for the petitioner submits that the petitioner was aged about 12 years at the time of alleged crime and filed the present revision application through his father. He submits that the father is ready to give undertaking that he will keep the petitioner in good behaviour and character in future and prevent him from associating with any known criminals and he will not allow the child to expose to any moral, physical, or psychological danger and in this regard he is ready to swear affidavit. He further submits that the petitioner is not named in F.I.R and his name has been surfaced in course of investigation. He next submits that petitioner is in Remand Home since 16.01.2026. He further submits that two of the co-accused persons who are major, have been granted regular bail by this Court in B.A. No. 3628 of 2026 and B.A. No. 2980 of 2026 respectively contained in annexure-3 and 4 of the revision petition. He next submits that the petitioner

has no criminal antecedent and in this view of the matter petitioner may kindly be released on bail.

4. Learned counsel for the State opposes the prayer and submits that name of the petitioner has been taken by the apprehended co-accused.

5. In view of above facts, it is an admitted position that the petitioner is juvenile and he is in Remand Home since 16.01.2026. The petitioner has no criminal antecedent. The name of the petitioner has come in the confessional statement. The petitioner is being represented by his father and he is giving undertaking that he will take care of the child.

6. It appears that both the courts have been pleased to reject the bail application of the petitioner on the ground that there is chance that the petitioner will come in 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 revisionist. The findings recorded by the Juvenile Justice Board as well as appellate court are that the petitioner will come in contact with dreaded criminals. Thus, the order dated 20.05.2026 passed by the learned Additional Sessions Judge-I-cum-Children Court, Jamtara in Criminal Appeal No. 6 of 2026 and the order dated 02.05.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Jamtara in connection with Jamtara P.S. Case No. 137 of 2025, corresponding to G.R. No. 163 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 revisionist who is in Remand Home, Jamtara since 16.01.2026 be released on bail via assurance and surety given by his natural guardian/father, in connection with Jamtara P.S. Case No. 137 of 2025, corresponding to G.R. No. 163 of 2026 , after furnishing a personal bond on his father (Rajesh Kumar Sah) with two sureties of his relatives each in the like amount to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Jamtara 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, Jamtara**,** 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. 30.01.2026
Satyarthi/-