IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 699 of 2026

Arfaj Sheikh @ Arfaj Alam @ Yarfaj Alam, aged about 16 years, son of Harfuddin Shekh, through his father and natural guardian Harfuddin Shekh, aged 39 years, son of Makbul Shekh, both resident of Pathra, Noniya, Harokha, Aswari, P.O. Harokha, P.S. Saraiyahat, District Dumka .... Petitioner

Versus

The State of Jharkhand .... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Ms. Vani Kumari, Advocate
For the State : Mr. Rajneesh Vardhan, A.P.P.

02/05.10.2026 This criminal revision application is preferred against the judgment dated 10.06.2026 passed by learned Presiding Officer (Children Court), Dumka in Criminal Miscellaneous Appeal (Juvenile) No.19/2026 whereby the appellate court has been pleased to reject the petition filed by the petitioner and affirmed the order dated 12.05.2026 passed by the Juvenile Justice Board, Dumka in E. No.122/2026 in connection with learned Juvenile Case No.09/2026 arising out of Saraiyahat P.S. Case No.16 of 2026 registered for the offence registered under Section 96 of the B.N.S., 2023 and Section 12 of POCSO Act.

2. Learned counsel appearing for the petitioner submits that the petitioner has been declared juvenile and was aged about 16 years 08 months and 24 days on the date of occurrence. She submits that the petitioner and the victim were in relationship and now the victim is also residing in the parents' house. She further submits that false allegation of rape is made and at that time, the FIR has not been lodged, the FIR was lodged later on alleging that the petitioner was trying to meet the victim. She next submits that in the social investigation report, it has been wrongly stated that the parents of the petitioner is having criminal behavior, however, there is no criminal case pending against the parents of the petitioner. She also submits that the petitioner is having no criminal

antecedent and the petitioner is being represented by his father- Harfuddin Shekh and he is ready to give the 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 or psychological danger and he is ready to swear an affidavit in this regard.

3. Learned counsel appearing for the State opposes the prayer and submits that the allegations are there of taking away the victim by the petitioner. He submits that the learned courts have rightly passed the orders.

4. The petitioner was aged about 16 years 08 months and 24 days on the date of occurrence and he is juvenile. It has been pointed out in course of the argument that the petitioner is in remand home since 31st January, 2026 and in that way he has remained in custody for about nine months. The allegation of rape is there, however, earlier point of time, FIR has not been lodged, FIR has been lodged later on when the petitioner tried to meet the victim. In the social investigation report, no detail of criminal behavior of the parents of the petitioner is disclosed, only tick mark has been made in the said column and it has been pointed out that there is no criminal case pending against the parents of the petitioner.

5. In the light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, only on three grounds, the bail can be rejected that is (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.

6. In the 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. Learned courts have been pleased to reject the bail application of the petitioner only on the ground of social investigation report, however, on perusal of the social investigation report, it transpires that only it has been stated that the parents of the petitioner is

having criminal behavior, however, no detail has been provided therein and it has been pointed out that there is no criminal case pending against the parents of the petitioner. In the absence of any material or evidence of reasonable grounds, it cannot be said that release of the petitioner would defeat the ends of justice and the learned courts 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, judgment dated 10.06.2026 passed by learned Presiding Officer (Children Court), Dumka in Criminal Miscellaneous Appeal (Juvenile) No.19/2026 order dated 12.05.2026 passed by Juvenile Justice Board, Dumka in E. No.122/2026 are set aside and the present criminal revision is allowed.

7. Let the revisionist who is in observation home since 31.01.2026, be released on bail via assurance and surety given by his natural guardian/father in connection with Saraiyahat P.S. Case No.16 of 2026 after furnishing a personal bond on his father (Harfuddin Shekh) with two sureties of his relatives each in the like amount to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Dumka**,** 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 first Monday of every calendar month

commencing with the first Monday of November, 2026, and if during any calendar month the first 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, Dumka, on such a periodical basis as the Juvenile Justice Board may determine.

8. In view of the above, this criminal revision petition is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 05.10.2026
Anit

Uploaded
08.10.2026