IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 872 of 2026
(JHHC010218662026)

Juvenile "X" represented through his father **... Petitioner**

-Versus-

1. The State of Jharkhand
2. Anand Kumar, son of Late Harish Chandra Prasad, Village+ Post- Nagina Singh Road, P.O. + P.S. Giridih, Dist. Giridih **... Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Ranjan Kumar Singh, Advocate
Mr. Santosh Kumar, Advocate
For the State : Ms. Anuradha Sahay, A.P.P.

06/23.11.2026 Heard Mr. Ranjan Kumar Singh, learned counsel appearing for the petitioner and Ms. Anuradha Sahay, learned counsel appearing for the State.

2. This criminal revision petition has been preferred for setting-aside the order dated 06.04.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in connection with Giridih (T) P.S. Case No.33/2026, registered for the offence under Sections 75(2), 77, 78, 351(2), 351(3), 3(5) of the B.N.S., Section 12 of POCSO Act and Section 66E, 67, 67A of I.T. Act, whereby, the prayer for bail of the petitioner has been rejected. The further prayer is made for setting-aside the order dated 06.06.2026 passed by the learned District and Additional Sessions Judge-I cum Special Judge, Children Court, Giridih in Criminal (Misc.) Appeal No.35/2026, whereby, the prayer for bail of the petitioner has been rejected and the order passed by the Juvenile Justice Board has been affirmed.

3. Learned counsel for the petitioner submits that the petitioner is a juvenile and he was aged about 17 years at the time of alleged crime. He further submits that the petitioner is a student of Class XII. He then submits that the allegation is made against one Priyanshu Sahay of threatening the

victim by editing her photo. He next submits that in identical situation, other co-accused has been granted bail by the Coordinate Bench of this Court in B.A. No.3236 of 2026. He also submits that criminal antecedent is there against the petitioner, however, that is of different nature. He further submits that the petitioner is being represented through his father and the father is ready to give undertaking that he will keep the petitioner in good behaviour and character in future and will prevent him from associating with any known criminals and from exposing him to moral, physical or psychological danger and he is ready to swear an affidavit in this regard.

4. Learned counsel appearing for the State opposed the prayer and submits that the allegations are there against the petitioner. She further submits that both the learned Courts have rightly rejected the prayer for bail of the petitioner and in view of that, the prayer made in the present petition may kindly be rejected.

5. Admittedly the petitioner was aged about 17 years at the time of alleged occurrence. Other co-accused has been granted regular bail by a Coordinate Bench of this Court in the aforesaid B.A. The petitioner is in remand home since 17.02.2026. It has been pointed out that charge-sheet has been submitted. Both the learned Courts have rejected the prayer for bail of the petitioner considering gravity of allegation. There is no adverse remarks against the petitioner in social investigation report except that the criminal antecedent is there against the petitioner and his father and brother, however, in course of arguments, it has been pointed out that those cases are relating to political vendetta.

6. The petitioner is being represented through his father and the father is ready to give undertaking that he will keep the petitioner in good behaviour and character in future and will prevent him from associating with any known criminals and from exposing him to moral, physical or psychological danger.

7. For rejecting the bail, three ingredients in light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 are required to be considered, deals for bail to juveniles, i.e. (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 is 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. 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 to the effect that there is likelihood that the petitioner will come into the association of dreaded criminals and gravity of the offence and there is likelihood of moral, physical and psychological danger of the petitioner if released on bail, not founded on reasonable grounds.

10. 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 gravity of crime.

11. In view of the above facts, the order dated order dated 06.04.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in connection with Giridih (T) P.S. Case No.33/2026 and the order dated 06.06.2026 passed by the learned District and Additional Sessions Judge-I cum Special Judge, Children Court, Giridih in Criminal (Misc.) Appeal No.35/2026 are, hereby, set aside.

12. Since the revisionist is in observation home since 17.02.2026, he is directed to be released on bail via assurance and surety given by his natural guardian/father (Bajrangi Ram) in connection with Giridih (T) P.S. Case No.33/2026, after furnishing a personal bond of his father 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 December, 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 allowed and disposed of in above terms. Pending I.A., if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 23rd November, 2026
Ajay/

Uploaded on
23rd November, 2026