IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No. 1030 of 2026

Raska Tudu, aged about 16 years, Son of Gudda Tudu @ Gura Tudu, Resident of Village Khajurdanga, P.O.- Todai, P.S.-Hiranpur, Dist.-Pakur, Jharkhand.
(Represented through his natural guardian and father namely Gudda Tudu @ Gura Tudu, aged about 49 years, Son of Som Tudu, Resident of Village Khajurdanga, P.O.- Todai, P.S.-Hiranpur, Dist.-Pakur, Jharkhand).

..... … Petitioner

Versus

The State of Jharkhand

..... … Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Ravi Prakash, Advocate.
: Md. Asadul Haque, Advocate.
For the State : Mrs. Mohua Palit, A.P.P.

03/ 05.11.2026 Heard learned counsel appearing for the petitioner and learned A.P.P. for the State.

2. This criminal revision has been preferred for setting aside judgment dated 01.06.2026 passed by the learned Additional Sessions Judge-I, Pakur, in Criminal Appeal No. 25 of 2026 whereby the appeal preferred by the petitioner has been dismissed by way of affirming the order of the learned Juvenile Justice Board, Pakur and also for quashing of order dated 11.05.2026, passed by the learned Principal Magistrate, Juvenile Justice Board, Pakur, in Criminal Application No. 818 of 2026 arising out of Hiranpur P.S. Case No. 12 of 2026, registered for the offence under Sections 103(1), 238 and 70(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the POCSO Act, pending in the Court of learned Principal Magistrate, Juvenile Justice Board, Pakur.

3. Learned counsel appearing for the petitioner submits that

the petitioner was aged about 16 years at the time of alleged occurrence. He further submits that in the FIR the petitioner is not named and the main allegation is made against two of the accused persons, who are named in the FIR namely Rafayal Soren and Ram Marandi. He then submits that only on the confessional statement name of the petitioner has come and the petitioner was also a participant in Sohrai festival and to that effect only the petitioner has been implicated. He next submits that the petitioner has got no criminal antecedent and 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. He then submits that in the similar circumstance, the other juvenile has already been granted bail by this court in Cr. Rev. No. 1195 of 2026. On these grounds, he submits that regular bail may kindly be granted to the petitioner.

4. Learned A.P.P. appearing for the State has opposed the prayer and submits that allegations are there and the learned Courts have apprehended that the petitioner will come into association with any known criminals and in view of that the learned Courts have rightly passed the order and on this ground he submits that regular bail may not be granted to the petitioner.

5. On perusal of the FIR, it transpires that the petitioner is not named in the FIR and name of the petitioner has come only in the confessional statement and in the FIR, it has been stated that all were attending Sohrai festival. The allegations in the FIR are there against Rafayal Soren and Ram Marandi. Learned Courts have been pleased to

reject the bail application of the petitioner only on the ground that there is apprehension that the petitioner will come into the contact with known criminals, however, the basis of coming to that conclusion is not clear from the orders of learned Courts, the petitioner was aged about 16 years and he is in remand home since 03.03.2026 and also his father is representing this petitioner and he is ready to take care of the petitioner and he will not allow him to accompany any known criminal and he will not allow him to expose him to moral, physical or psychological danger and he is also ready to swear an affidavit in this regard. Further in the similar circumstance, the other juvenile has already been granted bail by this court in Cr. Rev. No. 1195 of 2026.

6. 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 the 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.

7. Even the gravity of allegation is not a ground to reject the bail application of a juvenile. Learned Courts have rejected the bail application of the petitioner only on the ground that there is apprehension that the petitioner will come into contact with any known criminals, however, what are the materials to that effect is not disclosed and 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 Courts have failed to give reasons on three contingencies for declining the bail to the revisionist. The findings recorded by learned

Juvenile Justice Board and the learned appellate Court are based on unfounded apprehension of coming into the contact with the known criminals.

8. Thus, the judgment dated 01.06.2026 passed by the learned Additional Sessions Judge-I, Pakur, in Criminal Appeal No. 25 of 2026 and also the order dated 11.05.2026, passed by the learned Principal Magistrate, Juvenile Justice Board, Pakur, in Criminal Application No. 818 of 2026 arising out of Hiranpur P.S. Case No. 12 of 2026, are not sustainable in the eye of law and hence both these orders are set aside and the present criminal revision is allowed.

9. Let the revisionist, who is in observation home since 03.03.2026, be released on bail via assurance and surety given by his natural guardian / father, in connection with Hiranpur P.S. Case No. 12 of 2026, after furnishing personal bond of his father (Gudda Tudu @ Gura Tudu) with two sureties of his relatives each in the like amount to the satisfaction of the learned 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 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 December, 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 learned Principal Magistrate, Juvenile Justice Board, Pakur, on such a periodical basis as the Juvenile Justice Board may determine.

10. With the above observation, this criminal revision is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated:-05.11.2026
Amitesh/-