IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 879 of 2026

Master 'X', aged about 15 years (Minor), S/o Sri 'Y', represented through his mother and natural guardian namely Poonam Kumari, aged about 36 years, W/o Dhananjay Rikiyasan, R/o village – Bara Pachgarh, PO – Jirwabari, PS – Jirwabari, District – Sahibganj, Jharkhand

.... Petitioner

-- Versus --

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Sudhanshu Shekhar Choudhary, Advocate
For the State :- Mr. Shashi Kr. Verma, 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 for setting aside the judgment dated 02.06.2026 passed in Criminal Appeal No.16 of 2026 passed by learned Special Judge, Children's Court, Sahibganj by which the appeal has been dismissed and bail rejecting order dated 17.03.2026 passed in M.C.A. No.238 of 2026 by learned Juvenile Justice Board, Sahibganj in connection with Jirwabari P.S. Case No.240 of 2025 has been affirmed and pending in the Court of learned Chief Judicial Magistrate, Sahibganj.

3. Learned counsel appearing for the petitioner submits that the petitioner was aged about 15 years at the time of alleged crime

and there is no direct evidence against the petitioner in the alleged occurrence. He further submits that although the deceased was said to be standing along with many other persons but there is no eye witness. He then submits that the petitioner is in remand home since 23.11.2025. He next submits that there is no criminal case against the petitioner and the family members of the petitioner. He also submits that the petitioner is being represented by mother and statement is made that father is willing to take this petitioner to Ahmedabad, Gujarat for keeping him properly. He next submits that mother 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 she is ready to swear an affidavit in this regard.

4. Learned counsel appearing for the State opposes the prayer and submits that on pointing out of the petitioner arms have been recovered from the well.

5. Admittedly, the petitioner is not named in the FIR and name of the petitioner has come on the confessional statement and the petitioner has got no criminal antecedent and father is willing to take the petitioner to Ahmedabad, Gujarat and mother is ready to swear an affidavit as submitted by learned counsel appearing for the petitioner.

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 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.*

7. 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.

8. 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.

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 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.

10. 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 judgment dated 02.06.2026

passed in Criminal Appeal No.16 of 2026 passed by learned Special Judge, Children's Court, Sahibganj and order dated 17.03.2026 passed in M.C.A. No.238 of 2026 by learned Juvenile Justice Board, Sahibganj in connection with Jirwabari P.S. Case No.240 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.

11. Let the revisionist who is in observation home since 23.11.2025 be released on bail via assurance and surety given by his natural guardian/mother, in connection with Jirwabari P.S. Case No.240 of 2025 registered under Sections 103(1) of BNS and Sections 25(1-B)a, 26, 27 and 35 of Arms Act after furnishing a personal bond on his mother (Poonam Kumari) with two sureties of his relatives each in the like amount to the satisfaction of learned Juvenile Justice Board, Sahibganj, subject to the following conditions:

> ***(i)*** *Natural guardian/mother 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 mother will ensure that the juvenile will not repeat the offence.*
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> ***(ii)*** *Natural guardian/mother 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/mother 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, Sahibganj on such a periodical basis as the Juvenile Justice Board may determine.*

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

(Sanjay Kumar Dwivedi, J.)

Dated 30.09.2026
Sangam/