IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No. 889 of 2026

1. Lakhindra Madaiya, S/o Saheb Madaiya @ Saheb Maraiya, aged about 16 years, represented through his Mother Radha Devi, aged about 43 years, Wife of Saheb Madaiya, Resident of Village- Ramakura, P.O.- Babupur, P.S.- Hiranpur, District- Pakur (Jharkhand).
2. Mangal Tudu, S/o Daso Tudu, aged about 17 years, represented through his Mother Mayaviti Murmu, aged about 42 years, Wife of Daso Tudu, Resident of Village- Ramakunda, P.O.- Babupur, P.S.- Hiranpur, District- Pakur (Jharkhand).

..... … Petitioners

Versus

The State of Jharkhand

..... … Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Anjani Kumar, Advocate.
: Mr. Sumit Gautam, Advocate.
For the State : Mr. Shiv Shankar Kumar, A.P.P.

04/ 30.09.2026 Heard learned counsel appearing for the petitioners and learned A.P.P. for the State.

2. This criminal revision has been preferred for setting aside judgment dated 18.04.2026 passed by the learned Additional Sessions Judge-I, Pakur, in Criminal Appeal No. 11 of 2026 whereby the appeal preferred by the petitioners has been dismissed and also for quashing of order dated 10.03.2026, passed by the learned Juvenile Justice Board, Pakur, in Misc. Criminal Application No. 351 of 2026, in connection with Littipara P.S. Case No. 42 of 2025 corresponding to Juvenile Case No. 26 of 2025, registered for the offence under Sections 103(1) and 303(2) of Bharatiya Nyaya Sanhita, 2023, pending in the Court of learned Juvenile Justice Board, Pakur.

3. Learned counsel appearing for the petitioners submits that the petitioners are juveniles and they have been falsely implicated in this case and they were aged about 15 years at the time of alleged occurrence. He next submits that the petitioners are not named in the FIR, however, their names have come only on the basis of confessional statement of the other co-accused Sanjay Madaiya @ Chunnu Madaiya. He also submits that said Sanjay Madaiya @ Chunnu Madaiya has murdered his mother-in-law. He then submits that the petitioners are in remand home since 29.07.2025. He submits that both these petitioners are being represented by their respective mothers namely Radha Devi and Mayaviti Murmu. He further submits that in the social investigation report, it has come that the financial conditions of these petitioners are not sound, however, their respective mothers are ready to keep them in good behaviour and character in further and prevent them from associating with any known criminal and from expositing them to moral, physical and psychological danger and they are ready to swear an affidavit in this regard. On these grounds, he submits that regular bail may kindly be granted to the petitioners.

4. Learned A.P.P. appearing for the State has opposed the prayer and submits that names of these petitioners have confessed in the confessional statement of the apprehended co-accused and in view of that regular bail may not be granted to these petitioners.

5. It transpires that the petitioners are juveniles and both are aged about 15 years at the time of alleged crime and not named in the FIR and their names have surfaced only on the basis of confessional statement of other co-accused and they were in remand home since 29.07.2025 and further

their respective mothers (Radha Devi and Mayaviti Murmu) are representing these petitioners and their mothers are ready to take care of these petitioners and they will not allow them to accompany any known criminal and they will not allow them to expose them to moral, physical or psychological danger and they are also ready to swear an affidavit in this regard.

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. From 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. 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 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.

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 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. The findings recorded by the Juvenile Justice Board as well as appellate court are based on heinousness of the offence.

11. Thus, the judgment dated 18.04.2026 passed by the learned Additional Sessions Judge-I, Pakur, in Criminal Appeal No. 11 of 2026 and the order dated 10.03.2026, passed by the learned Juvenile Justice Board, Pakur, in Misc. Criminal Application No. 351 of 2026, in connection with Littipara P.S. Case No. 42 of 2025 corresponding to Juvenile Case No. 26 of 2025, are not sustainable in the eyes of law and hence both these orders are set aside and the present criminal revision is allowed.

12. Let the revisionists, who are in observation home since 29.07.2025, be released on bail via assurance and surety given by their respective natural guardians / mothers (namely Radha Devi and

Mayaviti Murmu), in connection with Littipara P.S. Case No. 42 of 2025, after furnishing personal bonds of their respective mothers (namely Radha Devi and Mayaviti Murmu) with two sureties of their relatives each in the like amount to the satisfaction of Juvenile Justice Board, Pakur, subject to the following conditions:

(i) Natural guardians/mothers of respective petitioners will furnish an undertaking that upon release on bail the revisionists 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 their respective mothers will ensure that the juveniles will not repeat the offence.

(ii) Natural guardians/mothers of respective petitioners will further furnish an undertaking to the effect that the juveniles will pursue their study at the appropriate level which they would be encouraged to do besides other constructive activities and not be allowed to waste their time in unproductive and excessive recreational pursuits.

(iii) Juveniles and natural guardians/mothers of respective petitioners 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 juveniles and regularly draw up their social investigation report that would be submitted to the Juvenile

Justice Board, Pakur, on such a periodical basis as the Juvenile Justice Board may determine.

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

(Sanjay Kumar Dwivedi, J.)

Dated:-30.09.2026
Amitesh/-