IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 895 of 2026

Arup Dhibar, aged about 17 years, son of Pogal Dhibar @ Shibu Dhibar through its legal guardian his father namely, son of Pogal Dhibar @ Shibu Dhibar, son of Punu Dhibar, resident of village-Pandra, P.O. Pandra, P.S. Nirsa (MPL O.P.), District-Dhanbad

.... Petitioner

-- Versus --

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Mukesh Bihari Lal, Advocate

For the State :- Ms. Sushma Aind, Advocate

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*02/**28.10.2026*** Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

2. Learned counsel appearing for the petitioner submits that the petitioner has moved for bail before the learned Principal Magistrate, Juvenile Justice Board, Dhanbad in connection with Nirsa P.S. Case No.98 of 2026 which has been rejected by order dated 22.05.2026 and that was challenged before the learned Special Judge, Children Court, Dhanbad in Criminal Appeal No.123 of 2026 and the said appeal was also dismissed by the order dated 10.06.2026 affirming the judgment of learned Principal Magistrate, Juvenile Justice Board, Dhanbad.

3. Learned counsel appearing for the petitioner submits that

the petitioner is juvenile and was aged about 17 years at the time of alleged occurrence. He further submits that the petitioner is in remand home since 16.03.2026 and two of the juveniles have been granted bail by this Court in Cr. Revision Nos.876 of 2026 and 964 of 2026. He then submits that only difference is there that those two persons were not named in the FIR, however, the petitioner is named in the FIR. He further submits that another named juvenile has been granted bail by this Court in Cr. Revision No. 894 of 2026. He next submits that allegations are made of throwing the deceased from pool, however, the postmortem report is otherwise and the cause of death is said to be drowning and that has come in paragraph No.17 of the case diary. He also submits that by the last order this Court has been pleased to call the social investigation report and that has been received and there is nothing against the petitioner in the social investigation report. He further submits that petitioner is a student of Class-X, Podardih, High School in the district of Dhanbad. He next submits that both the learned Courts have been pleased to reject the bail of the petitioner only on the ground of seriousness of crime. He next submits that true aspects of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 has not been taken care of. He next submits that 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. On these grounds, he submits that bail may kindly be granted.

4. Learned counsel appearing for the State opposes the prayer and submits that the petitioner is named in the FIR and in view of that the learned Courts have rightly passed the orders.

5. The petitioner is said to be juvenile and he is in remand home since 16.03.2026 and the petitioner is being represented by his father and he is ready to give the undertaking to keep the petitioner away from moral, physical or psychological danger. Three of the juveniles have been granted bail by this Court in the aforesaid criminal revisions. In the FIR, the allegations are made of throwing from pool, however, in the postmortem report and in paragraph No.17 of the case diary the cause of death is said to be due to drowning and the said allegations are there against five persons.

6. In light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 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, seriousness of the alleged offence of the petitioner is also no relevant consideration for denial of bail.

8. In view of the above discussion, it transpires that the learned Courts have been pleased to reject the bail of the petitioner only on the ground of gravity of allegation. In the social investigation report, there is nothing against the petitioner and it has come that the petitioner's relationship in locality is cordial and it has also come that the petitioner is earning for the family. It appears that on the basis of only gravity of allegation, the learned Courts have been pleased to reject the bail application of the petitioner.

9. In light of Section 12 and further considering that there are general and omnibus allegation against five of the accused persons, the judgment dated 22.05.2026 passed by learned Principal Magistrate, Juvenile Justice Board, Dhanbad in connection with Nirsa P.S. Case No.98 of 2026 and order dated 10.06.2026 passed by learned Special Judge, Children Court, Dhanbad in Criminal Appeal No.123 of 2026 are hereby set aside and this criminal revision petition is hereby allowed.

10. Let the revisionist who is in observation home since 16.03.2026 be released on bail via assurance and surety given by his natural guardian/father, in connection with Nirsa P.S. Case No.98

of 2026 for the offence under Section 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023 pending in the Court of learned Principal Magistrate, Juvenile Justice Board, Dhanbad after furnishing a personal bond on his father (Pogal Dhibar @ Shibu Dhibar) with two sureties of his relatives each in the like amount to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Dhanbad, 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.*
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> ***(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.*
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> ***(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 November, 2026, and if during any calendar month the second Monday falls on a holiday, then on the following working day.*
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> ***(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, Dhanbad, on such a periodical basis as the Juvenile Justice Board may determine.*

11. This criminal revision petition is allowed in above terms and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 28.10.2026
Satyarthi/