IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 923 of 2026
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1. Ishtamul Ansari, aged about 15 years, represented by own father namely Nejamuddin Ansari
2. Afruddin Ansari @ Afridi Ansari, aged about 14 years, represented by own father namely Shekh Farid @ Shekh Farid Ansari
Both resident of Village Fulpahari, P.O. Suraj Bera, P.S. Littipara, District Pakur (Jharkhand) .... Petitioners

Versus

The State of Jharkhand .... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Jitendra Tripathy, Advocate
For the State : Mr. Ajay Kumar Pathak, A.P.P.

02/30.09.2026 Heard learned counsel for the petitioners and learned counsel for the State.

2. By filing the present revision application, the petitioners are seeking regular bail and prayer is made for setting aside the order dated 28.07.2026 passed in Criminal Appeal No.34 of 2026 by learned Special Judge, Children Court, Pakur whereby he has been pleased to affirm the order dated 17.07.2026 passed in Miscellaneous Criminal Application No.1295 of 2026 by learned Principal Magistrate, Juvenile Justice Board, Pakur in connection with Littipara P.S. Case No.37 of 2026 corresponding to Juvenile Case No.22 of 2026 registered for the alleged offences under Sections 115(2), 126(2), 352, 351(3), 64(1) read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 pending in the court of Principal Magistrate, Juvenile Justice Board, Pakur.

3. Learned counsel appearing for the petitioners submits that the petitioner no.1 was aged about 15 years and petitioner no.2 was aged about 14 years on the alleged date of crime. He next submits that the petitioners have voluntary surrendered on 03.07.2026 and thereafter they have been remanded in remand home and since then they are behind the bar. He also submits that the petitioners are the student of Class VIII and social investigation report was called for by earlier order and there is nothing adverse against the petitioners in the said report. He further submits that false allegations are made that the

petitioners were present on the spot and they have fled away. He next submits that the petitioners are being represented by their father and they are ready to undertake to keep the petitioners in good behaviour and character in future and will prevent them from associating with any known criminal and from exposing them to moral, physical or psychological danger and they are ready to swear an affidavit in this regard. He submits that in the aforesaid background, the bail may kindly be granted to the petitioners.

4. Learned counsel appearing for the State submits that the allegations are there of molestation and seeing the other person, the petitioners have fled away and they are named in the FIR.

5. Social investigation report is on the record which is not adverse against the petitioners and the petitioners are said to be student and they are in remand home since 03.07.2026.

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 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 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 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 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 the learned courts 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 heinousness of the offence. Thus, the judgment dated 28.07.2026 passed in Criminal Appeal No.34 of 2026 by learned Special Judge, Children Court, Pakur and the order dated 17.07.2026 passed in Miscellaneous Criminal Application No.1295 of 2026 by learned Principal Magistrate, Juvenile Justice Board, Pakur in connection with Littipara P.S. Case No.37 of 2026 corresponding to Juvenile Case No.22 of 2026 are not sustainable in the eye of law and hence both the orders are set aside and the present criminal revision is allowed.

11. Let the revisionist who is in observation home since 03.07.2026 be released on bail via assurance and surety given by their natural guardian/father in connection with Littipara P.S. Case No.37 of 2026 registered for the offences under Sections 115(2), 126(2), 352, 351(3), 64(1) read with Section 3(5) of the BNS pending in the court of Principal Magistrate, Juvenile Justice Board, Pakur after furnishing a personal bond on their father namely Nejamuddin Ansari and Shekh Farid @ Shekh Farid Ansari respectively 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/fathers 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 guardians/fathers will further furnish an undertaking to the effect that the juveniles will pursue their 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) Juveniles and natural guardians/fathers will report to the Probation Officer on the second week of first Monday of every calendar month commencing with the second week of first Monday of October, 2026, and if during any calendar month the first Monday of second week 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, Pakur, on such a periodical basis as the Juvenile Justice Board may determine.

12. This criminal revision petition is allowed in the above terms and conditions. Pending I.A, if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 30.09.2026
Anit

Uploaded
05.10.2026