IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1053 of 2026
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1. Narayan Kol, aged about 13 years, S/o Krishna Kol @ Kisan Kol, represented through his father and natural guardian namely Krishna Kol @ Kisan Kol, S/o Dukhan Kol,
2. Ghanu Kol @ Basudev Kol, aged about 13 years, S/o Sukhdev Kol, represented through his father and natural guardian namely, Sukhdev Kol, S/o Salmandra Kol
3. Samir Kol, aged about 13 years
4. Ashok Kol, aged about 7 years
   Both petitioner nos. 3 and 4 are S/o Dilip Kol, represented through their father and natural guardian namely Dilip Kol, S/o Ugan Kol
5. Manu Kol @ Monu Kol, aged about 9 years, S/o Sijan Kol, represented through his father and natural guardian namely Sijan Kol, S/o Bhatu Kol,
6. Aman Kol, aged about 9 years, S/o Jay Kumar Kol, represented through his grandmother and guardian namely Mangoli Kol, W/o Late Bihari Kol,

All R/o Village Mahaljori, P.O. Baram Soli, P.S. Chitra, Sub-Division-Madhupur, District Deoghar, Jharkhand, 81535

.... …. Petitioners

Versus

The State of Jharkhand .... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Prashant Kumar Rai, Advocate
For the State : Mr. Rajneesh Vardhan, A.P.P.

02/01.10.2026 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 judgment dated 27.07.2026 passed in Criminal (Juvenile Bail) Appeal No.45 of 2026 by learned Additional Sessions Judge I-cum-Children Court, Deoghar whereby he has been pleased to affirm the order dated 03.07.2026 passed in Enquiry No.252 of 2026 arising out of Chitra P.S. Case No.38 of 2026 by learned Principal Magistrate, Juvenile Justice Board, Deoghar registered for the alleged offences under Section 70(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel appearing for the petitioners submits that the petitioner nos.1, 2 and 3 are stated to be aged about 13 years where the petitioner nos.4, 5 and 6 are children below eight years of age. He submits that although serious allegations are made of gang rape, however, the allegations are bald. He further submits that it is impossible even children aged about eight years will do so. He next submits that even in the order of

learned Sessions Judge, it has only come that there was attempt of rape. He also submits that the petitioners are having no criminal antecedent and they are in observation home since 02.06.2026 and the petitioners are children conflict in law and petitioner nos.1 to 5 are being represented by their respective fathers and petitioner no.6 is being represented by his grandmother- Mangoli Kol 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 associating with any known criminals and from exposing them to moral, physical or psychological danger and they are ready to swear an affidavit in this regard.

4. Learned counsel appearing for the State opposes the prayer submits that the allegations are there of against the petitioners and in view of that prayer for bail may kindly be rejected.

5. Petitioner nos.1, 2 and 3 are aged about 13 years and petitioner nos.4, 5 and 6 are children below eight years of age and in the order of learned Sessions Judge, clear finding of rape is not there, the petitioners are being represented by their respective fathers, petitioner no.6 is being represented by his grandmother- Mangoli Kol, and they are ready to give the undertaking.

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 petitioners 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 their 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 27.07.2026 passed in Criminal (Juvenile Bail) Appeal No.45 of 2026 by learned Additional Sessions Judge I-cum-Children Court, Deoghar and the order dated 03.07.2026 passed in Enquiry No.252 of 2026 arising out of Chitra P.S. Case No.38 of 2026 by learned Principal Magistrate, Juvenile Justice Board, Deoghar are not sustainable in the eye of law and hence both the judgment and order are set aside and the present criminal revision is allowed.

11. Let the revisionists who are in observation home since 02.06.2026 be released on bail via assurance and surety given by their respective natural guardian/fathers in connection with Chitra P.S. Case No.38 of 2026 under Section 70(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 pending in the court Principal Magistrate, Juvenile Justice Board, Deoghar after furnishing a

personal bond of their respective fathers namely Krishna Kol @ Kisan Kol (petitioner no.1), Sukhdev Kol (petitioner no.2), Dilip Kol (petitioner nos.3 and 4), Sijan Kol (petitioner no.5) and petitioner no.6 represented by his grandmother- Mangoli Kol (father-Jay Kumar Kol) with two sureties of their relatives each in the like amount to the satisfaction of Principal Magistrate, Juvenile Justice Board, Deoghar, 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 Monday of every calendar month commencing with the second 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, Deoghar, 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 01.10.2026
Anit

Uploaded
08.10.2026