IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 1015 of 2026
(JHHC010290612026)

Juvenile "X" represented through his mother **... Petitioner**

-Versus-

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Md. Razaullah Ansari, Advocate
For the State : Mr. Achinto Sen, A.P.P.
For the Informant : Md. Ayub Ansari, Advocate

05/23.11.2026 Heard Md. Razaullah Ansari, learned counsel appearing for the petitioner, Mr. Achinto Sen, learned counsel appearing for the State and Md. Ayub Ansari, learned counsel appearing for the informant.

2. This criminal revision petition has been preferred for setting-aside the order dated 11.03.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in connection with Bagodar P.S. Case No.20/2026, registered for the offence under Sections 103(1), 238, 3(5) of the B.N.S. whereby, the prayer for bail of the petitioner has been rejected. The further prayer is made for setting-aside the order dated 23.07.2026 passed by the learned District and Additional Sessions Judge-I cum Special Judge, Children Court, Giridih in Criminal (Misc.) Appeal No.50/2026, whereby, the prayer for bail of the petitioner has been rejected and the order passed by the Juvenile Justice Board has been affirmed.

3. Learned counsel for the petitioner submits that the petitioner is a juvenile and he was aged about 16 years at the time of alleged crime. He further submits that false allegation is made against the petitioner of hiding dead body of the deceased and apart from that, there is no allegation against the petitioner. He next submits that another juvenile has been granted bail by a Coordinate Bench of this Court in Criminal Revision No.577 of 2026. He

also submits that in the social investigation report, nothing adverse has come against the petitioner. He further submits that the petitioner has got no criminal antecedent. He next submits that the petitioner is being represented through his mother and the mother is ready to give undertaking that she will keep the petitioner in good behaviour and character in future and will prevent him from associating with any known criminals and from exposing him to moral, physical or psychological danger and she is ready to swear an affidavit in this regard. He also submits that the petitioner is in remand home since 05.02.2026 and in that way, he has remained in custody for more than 9 months.

4. Learned counsel appearing for the State and informant opposed the prayer and submit that both the learned Courts have rejected the prayer for bail of the petitioner considering that the petitioner may again repeat the crime. Learned counsel appearing for the informant further submits that before the learned Court, it has been disclosed in the social investigation report that the parents of the petitioner have no effective control over the petitioner. On these grounds, they submit that the prayer made in this petition may kindly be rejected.

5. Admittedly the petitioner was aged about 16 years at the time of alleged occurrence. The petitioner is in remand home since 05.02.2026. Social investigation report has been received in which there is no adverse remark against the petitioner. The petitioner is having no criminal antecedent, as disclosed in para 112 of the case diary. The another juvenile has been granted bail by a Coordinate Bench of this Court in Criminal Revision No.577 of 2026. The other co-accused has been granted regular bail by a Coordinate Bench

of this Court in B.A. No.3880 of 2026.

6. The petitioner is being represented through his mother and the mother of the petitioner is ready to give any undertaking to the effect that the child will not be exposed to any moral, physical and phycological danger. Both the learned Courts have rejected the prayer for bail of the petitioner on apprehension that the petitioner may repeat the crime, however, there is no reasonable ground to come to that effect.

7. For rejecting the bail, three ingredients in light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 are required to be considered, deals for bail to juveniles, i.e. (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.

8. From Section 12 of the said Act, it also transpires that seriousness of the alleged offence or the age of the juvenile is 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.

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 to the effect that there is likelihood that the

petitioner will come into the association of dreaded criminals and gravity of the offence 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 gravity of crime.

11. In view of the above facts, the order dated 11.03.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in connection with Bagodar P.S. Case No.20/2026 and the order dated 23.07.2026 passed by the learned District and Additional Sessions Judge-I cum Special Judge, Children Court, Giridih in Criminal (Misc.) Appeal No.50/2026 are, hereby, set aside.

12. Since the revisionist is in observation home since 05.02.2026, he is directed to be released on bail via assurance and surety given by his natural guardian/mother (Roshan Khatoon) in connection with Bagodar P.S. Case No.20/2026, after furnishing a personal bond of his mother with two sureties of her relative each in the like amount to the satisfaction of Juvenile Justice Board, Giridih 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.

(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 December, 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, Giridih on such a periodical basis as the Juvenile Justice Board may determine.

13. Accordingly, this criminal revision petition is allowed and disposed of in above terms. Pending I.A., if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 23rd November, 2026
Ajay/

Uploaded on
25th November, 2026