IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 1093 of 2026

Salik Ansari, aged about 17 years, son of Rakib Ansari, resident of Village Soranda, PO and PS Bhandra, District Lohardaga represented through Rakib Ansari, son of Makim Ansari, aged 36 years resident of Village Soranda, PO and PS Bhandra Dist. Lohardaga ..... … Petitioner

Versus

The State of Jharkhand ..... … Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. Altamash Khan, Advocate

For the State : Mr. Rajesh Kumar, Advocate

02/ 01.10.2026: Heard learned counsel for the petitioner and learned counsel for the State.

2. This criminal revision has been preferred against the judgment dated 06.07.2026, passed by learned Additional Sessions Judge-I, Lohardaga cum Special Judge, Children Court, Lohardaga passed in Criminal Appeal No.45 of 2026 whereby he has been pleased to reject the appeal meant for bail and confirmed the judgment dated 14.05.2026 passed by learned Principal Magistrate, Juvenile Justice Board, Lohardaga in Misc. Criminal Application no.297/2026 in connection with Kairo PS Case No.75 of 2025 for offence under section 25(1-B)/26/35 of Arms Act and Section 317(2) of BNS, 2023.

3. Learned counsel for the petitioner submits that the petitioner is aged about 15 years till the alleged date of crime and the petitioner is being represented by his father namely Rakib Ansari. He next submits that the petitioner is in custody in remand home since 30.12.2025 and in that way he has already remained in custody for more than nine months. He next submits that the father of the revisionist is ready to give under taking that he will keep the petitioner in good behaviour and character in future and prevent

him from associating with any known criminals and he will not allow the child to expose to any moral, physical, or psychological danger and in this regard he is ready to swear affidavit. He next submits that in view of the undertaking of the father, the social investigation report with regard to the petitioner's bad association may not come in the way to reject the bail of the petitioner.

4. Learned counsel for the State opposes the prayer and submits that from the possession of the petitioner, one fire arm was also recovered and in view of that, the learned both the courts have rightly passed the orders and he submits in view of that, the revision petition may kindly be rejected.

5. The petitioner, who is in jail custody 30.12.2025 and in that way he has remained in custody for more than nine months and the father of the revisionist is ready to given undertaking to the effect that he will keep the petitioner to be in good behaviour and character and will prevent him from coming into the association of the known criminals and will keep him away from any moral, phycological and physical danger.

6. It appears that both the courts have been pleased to reject the bail application of the petitioner on the ground that there is chance that the petitioner will come into contact with dreaded criminals and he will be exposed to moral, physical, or psychological danger.

7. In view of above discussions, the Court finds that the reasoning and conclusion of the learned appellate court as well as Juvenile Justice Board is not founded on reasonable grounds in the light of Section 12 of the Juvenile Justice (Care and Protect of Children) Act, 2015.

8. 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 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.

9. 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.

10. 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 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 that the petitioner will come in contact with dreaded criminals. Thus, the order dated 06.07.2026 passed in Criminal Appeal No.45 of 2026 passed by learned Additional Sessions Judge-I, Lohardaga cum Special Judge, Children Court, Lohardaga and the order dated 14.05.2026 passed by learned principal Magistrate Juvenile Justice Board, Lohardaga in Misc. Criminal Application no.297/2026 in connection with Kairo PS Case No.75 of 2025 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 jail custody, Lohardaga since 30.12.2025 be released on bail via assurance and surety given by his natural guardian/father, in connection with Kairo PS Case No.75 of 2025 after furnishing a personal bond on his father (Rakib Ansari) with two sureties of his relatives each in the like amount to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Lohardaga 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.

(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.

(iii) Juvenile and natural guardian/**father** will report to the Probation Officer on the second Monday of every calendar month commencing on 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 juvenile and regularly draw up his social investigation report that would be submitted to the Juvenile Justice Board, Lohardaga**,** on such a periodical basis as the Juvenile Justice Board may determine.

12. This criminal revision petition is allowed and disposed of. Pending I.A, if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dt. 01.10.2026
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