IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 1044 of 2026

Ajit Kumar Hazra, aged about 16 years, represented through his father Sri Basudeb Hazra, aged about 50 years, S/o Late Biso Hazra, R/o village – Lataki, PO and PS – Jamua, District – Giridih, represented through his father Sri Basudeb Hazra, R/o village – Lataki, PO and PS – Jamua, District – Giridih

.... Petitioner

-- Versus --

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Tarun Kr. No.1, Advocate

For the State :- Mrs. Nehala Sharmin, Advocate

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*02**/05.10.2026*** Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

2. This criminal revision has been preferred against the order dated 31.07.2026 passed by learned Additional Sessions Judge-I-cum-Special Judge (Children's Court), Giridih in Criminal Misc. Appeal No.79 of 2026 arising out of Jamua P.S. Case No.111 of 2026 whereby the bail of the petitioner has been rejected by order dated 03.07.2026 passed by learned Juvenile Justice Board, Giridih in MCA No.3579 of 2026 arising out of Jamua P.S. Case No.111 of 2026 has been affirmed by the learned appellate court pending in the Court of learned Juvenile Justice Board, Giridih.

3. Learned counsel appearing for the petitioner submits that

the petitioner was aged about 16 years at the time of alleged occurrence and the petitioner and victim were in relationship. He further submits that the victim has given her statement under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 wherein she has stated that both have gone to Giridih and they have solemnized the marriage. He then submits that the victim has also refused to go for the medical examination and she has further stated that she has voluntarily gone along with the petitioner. He next submits that the petitioner is in remand home since 01.05.2026 and he has got no criminal antecedent. He also submits that the 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 further ready to swear an affidavit in this regard.

4. Learned counsel appearing for the State opposes the prayer and submits that allegations are there of taking away the minor by the petitioner and in view of that this criminal revision may kindly be rejected.

5. It transpires from the judgment of learned First Appellate Court that victim has examined under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 wherein she has stated that she

has voluntarily gone along with the petitioner and they have solemnized the marriage. There is no doubt that statement of victim cannot be sole ground of granting bail as she is a minor, however, there are other parameters of considering the bail of juvenile.

6. In light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it is 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 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. Section 12 of the said Act further stipulates that seriousness of the alleged offence cannot be sole ground of rejection of bail of the juvenile and there is no classification provided on the said section. In the statement made under Section 183 of BNSS, the victim has stated that she has gone voluntarily gone along with the petitioner and they have solemnized the marriage. It has been pointed out that the petitioner is in remand home since 01.05.2026 and father is representing the petitioner and he is ready to give an undertaking that he will not allow the petitioner to come in contact with the criminals and will keep him away from the likelihood of moral, physical and psychological danger.

8. Learned Courts have been pleased to reject the bail of the petitioner only on the ground that in social investigation report it has come that both have solemnized the marriage in spite of the fact that they are minor.

9. In light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in 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, as noted above, for declining the bail to the revisionist, as such the order dated 31.07.2026 passed by learned Additional Sessions Judge-I-cum-Special Judge (Children's Court), Giridih in Criminal Misc. Appeal No.79 of 2026 arising out of Jamua P.S. Case No.111 of 2026 and the order dated 03.07.2026 passed by learned Juvenile Justice Board, Giridih in MCA No.3579 of 2026 are hereby set aside and the present criminal revision is allowed.

10. Let the revisionist who is in observation home since 01.05.2026 be released on bail via assurance and surety given by his natural guardian/father, in connection with Jamua P.S. Case No.111 of 2026 for the offence under Section 87 and 64(1) of Bharatiya Nyaya Sanhita, 2023 and Section 4 and 6 of POCSO Act pending in the Court of learned Juvenile Justice Board, Giridih after furnishing a personal bond on his father (Sri Basudeb Hazra) with

two sureties of his relatives each in the like amount to the satisfaction of learned Juvenile Justice Board, Giridih, 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 first Monday of every calendar month commencing with the first Monday of November, 2026, and if during any calendar month the first 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 Juvenile Justice Board, Giridih, 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 05.10.2026
Sangam/