IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 1094 of 2026

Vivek Mandal (Juvenile), aged about 15 years, son of late Khechan Mandal @ late Khedan Mandal, resident of Mahavir Nagar, Bhuda, Near Shiv Mandir, P.O. and P.S. Dhansar, District Dhanbad, Jharkhand, represented through his mother and Natural Gurafian Sanju Devi, aged about 36 years, wife of late Khechan Mandal @ late Khedan Mandal, resident of Mahavir Nagar, Bhuda, Near Shiv Mandir, PO and PS Dhansar, District -Dhanbad, Jharkhand

…….. Petitioner

Versus

The State of Jharkhand ….. … Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Rajnandan Chatterjee, Advocate

For the State : Mr. V.K. Vashistha, Advocate

4/ 01.10.2026: Heard learned counsel for the petitioner and learned counsel for the State.

2. This criminal revision has been preferred for setting aside the order dated 10.08.2026 passed in Criminal Appeal No.183 of 2026 passed by learned Special Judge, Children Court, Dhanbad whereby he has been pleased to upheld the order dated 14.07.2026 passed by learned Juvenile Justice Board, Dhanbad in G.R.P.S. Case No.99 of 2026, corresponding to S.T.Case No.551 of 2026 registered under sections 304(2), 317(4),317(5), 3(5) of BNS, 2023 whereby he has been pleased to reject the bail of the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was aged about 15 years and he is in remand home since 03.05.2026. He next submits that even in social investigation report, it has come that the behaviour of the petitioner is normal and in spite of that, the learned court has been pleased to reject the bail application of the petitioner. He next

submits that the petitioner is being represented by her mother as his father has left for his heavenly abode and she is ready to give the undertaking to keep the petitioner in good behaviour and good character and will prevent him from coming in association with the known criminals and from exposing him from any moral, physical and psychological danger and she is ready to swear an affidavit in this regard.

4. Learned counsel for the State opposes the prayer and submits that allegations are there of snatching of lady bag from the running train and in view of that, this criminal revision petition may kindly be dismissed.

5. The petitioner was aged about 15 years at the time of such offence and he is in remand home since 03.05.2026 and the petitioner is being represented by her mother as his father has left for his heavenly abode and she is ready to given the undertaking to the effect that she will keep the petitioner in good behaviour and good character and will prevent him from coming into the association of known criminals and she will prevent him from exposing to moral, physical and psychological danger.

6. The learned courts have rejected the bail application of the petitioner only on the ground that there is likelihood of the petitioner coming into the contact with the known criminals who is in jail custody since 03.05.2026 and the mother of the revisionist is ready to given undertaking to the effect that she 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.

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 as stipulated in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, as such, the order dated 14.07.2026 of Juvenile Justice Board, Dhanbad, in connection with Dhanbad G.R.P.S. Case No.99 of 2026, corresponding to S.T. Case No.551 of 2026 as well as the order dated 10.08.2026 passed in Criminal Appeal No.183 of 2026 passed by learned Special Judge, Children Court, Dhanbad are, hereby, set-aside.

11. Let the revisionist who is in remand home since 03.05.2026 be released on bail via assurance and surety given by her mother, in connection with Dhanbad G.R.P.S. Case No.99 of 2026, corresponding to S.T. Case No.551 of 2026 after furnishing a personal bond of her mother (Sanju Devi) now pending in the court of learned Additional Sessions Judge-XI, Dhanbad with two sureties of her relatives each in the like amount to the satisfaction of the Juvenile Justice Board, Dhanbad, subject to the following conditions:

(i) Natural guardian/mother (Sanju Devi) 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**/**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 first Monday of every calendar month commencing on 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.

(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, Dhanbad**,** 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
SI/-