IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No. 1142 of 2026

Rajesh Harijan @ Rahish Harijan @ Ravish Ravi, aged about 17 years, 6 months, Ganesh Harijan, represented though Son of Natural Guardian Grandfather Suchit Harijan, aged bout 85 years, Son of Late Teju Harijan, Resident of village-Srimatpur, P.O. Kaswa, P.S. Mahagama, District Godda.

..... … Petitioner

Versus

The State of Jharkhand

..... … Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Manoj Kumar Sah, Advocate.
For the State : Mrs. Ruby Pandey, A.P.P.

05/ 01.10.2026 Heard learned counsel appearing for the petitioner and learned A.P.P. for the State.

2. This criminal revision has been preferred for setting aside the judgment dated 03.08.2026 passed by the learned Additional Sessions Judge-I-cum-Presiding Officer, Children Court, Godda, in Criminal Appeal No. 31 of 2026 whereby the appeal preferred by the petitioner has been dismissed and also for quashing of order dated 02.07.2026, passed by the learned Juvenile Justice Board, Godda, in connection with Mahagama P.S. Case No. 92 of 2026 arising out of Enquiry No. 208 of 2026, registered for the offence under Sections 96, 74 and 61(1) of Bharatiya Nyaya Sanhita, 2023 and Section 8 of the POCSO Act, pending in the Court of learned Juvenile Justice Board, Godda.

3. Learned counsel appearing for the petitioner submits that the petitioner is a juvenile and he was aged about 17 years, one month and 29 days at the time of alleged occurrence. He next submits that the statement of the victim was recorded under Section 183 of Bharatiya

Nagarik Suraksha Sanhita, 2023 and disclosure to that effect has come in the order of the learned Sessions judge, wherein she has stated that she went to Chandigarh with this petitioner, who is her neighbour after informing her family and apart from that nothing has been disclosed in the said statement. He further submits that both the learned courts have been pleased to reject the prayer for bail only on the ground of gravity of offence. He further submits that the petitioner is in remand home since 23.05.2026. He also submits that the petitioner is being represented by his grand-father and his grand-father is ready to give any undertaking and he will take care of the child and he will not allow him to accompany any known criminal and he will not allow him to expose him to moral, physical or psychological danger and he is also ready to swear an affidavit in this regard. On these grounds, he submits that regular bail may kindly be granted to the petitioner.

4. Learned A.P.P. appearing for the State has opposed the prayer and submits that the allegations are there of taking away the victim girl to another place and on this ground, she submits that regular bail may not be granted to the petitioner.

5. The petitioner is a juvenile and he was aged about 17 years, one month and 29 days at the time of alleged occurrence and the petitioner is in remand home since 23.05.2026 and he is being represented by his grand-father and his grand-father is ready to take care of the petitioner and he will not allow him to accompany any known criminal and he will not allow him to expose him to moral, physical or psychological danger and his grand-father is also ready to swear an affidavit in this regard.

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 the 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. 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 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.

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 petitioner 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 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 petitioner.

11. Thus, the judgment dated judgment dated 03.08.2026 passed by the learned Additional Sessions Judge-I-cum-Presiding Officer, Children Court, Godda, in Criminal Appeal No. 31 of 2026 and the order 02.07.2026, passed by the learned Juvenile Justice Board, Godda, in connection with Mahagama P.S. Case No. 92 of 2026 arising out of Enquiry No. 208 of 2026, are not sustainable in the eye of law and hence both these orders are set aside and the present criminal revision is allowed.

12. Let the revisionist, who is in observation home since 23.05.2026, be released on bail via assurance and surety given by his natural guardian / grand-father, in connection with Mahagama P.S. Case No. 92 of 2026 arising out of Enquiry No. 208 of 2026, after furnishing personal bond of his grand-father (Suchit Harijan) with two sureties of his relatives each in the like amount to the satisfaction of Juvenile Justice Board, Godda, subject to the following conditions:

(i) Natural guardian/grand-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 grand-father will ensure that the juvenile will not repeat the offence.

(ii) Natural guardian/grand-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/grand-father 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 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, Godda, on such a periodical basis as the Juvenile Justice Board may determine.

13. With the above observation, this criminal revision is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated:-01.10.2026
Amitesh/-