IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 1212 of 2026

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

-Versus-

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Rishi Ranjan Vats, Advocate
Mr. Rakesh Ranjan, Advocate
For the State : Ms. Anuradha Sahay, A.P.P.

02/28.10.2026 Heard Mr. Rishi Ranjan Vats, learned counsel appearing for the petitioner and Ms. Anuradha Sahay, learned counsel appearing for the State.

2. This criminal revision petition has been preferred for setting-aside the order dated 30.06.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Godda in connection with Godda (Town) P.S. Case No.89 of 2026 arising out of Enquiry No.206 of 2026, registered for the offence under Sections 96 and 78/3(5) of BNS, 2023 and Section 12 of POCSO Act, 2012, whereby, the prayer for bail of the petitioner has been rejected. The further prayer is made for setting-aside the order dated 31.07.2026, whereby, the prayer for bail of the petitioner has been rejected by the learned Additional Sessions Judge-1-cum-Children Court, Godda in Criminal Appeal No.29 of 2026, whereby, the learned appellate court has been pleased to reject the prayer to release the petitioner on bail.

3. Learned counsel for the petitioner submits that the petitioner is a juvenile and he was aged about 15 years and 10 months at the time of alleged crime. He further submits that the allegations are made that the petitioner has taken the victim girl along with him to Surat and returned after three days. He then submits that after return, the victim girl has voluntarily gone

to her parents' house. He next submits that the petitioner and victim girl were liking each other and in view of that they went together and that has also come in the statement of the victim girl recorded under Section 183 of the BNSS and that has also been taken into consideration by the learned appellate court, however, he has been pleased to reject the prayer for bail of the petitioner considering that the crime is heinous in nature. He also submits that the petitioner is being represented by his father and the father is ready to give undertaking that he will keep the petitioner in good behaviour and character in future and he will prevent the petitioner from associating with any known criminal and from exposing him to moral, physical or psychological danger and he is ready to swear an affidavit in this regard. He also submits that the petitioner is a student and his entire career will ruin if he will remain in custody. On these grounds, he submits that the prayer for bail may kindly be granted to the petitioner.

4. Learned counsel appearing for the State opposed the prayer and submits that the girl was minor and in view of that, both the learned courts have rightly rejected the prayer for bail of the petitioner.

5. It has come in the order of the learned Additional Sessions Judge that the victim has stated that she was in love affairs with the petitioner and that statement was recorded under Section 183 of the BNSS. The learned Additional Sessions Judge has also taken into consideration that the Social Investigation Report is not adverse and the petitioner is having no criminal antecedent and his mental condition was also found normal by the learned Additional Sessions Judge in light of the Social Investigation Report. However, the learned appellate court has not been pleased to release the petitioner

considering gravity of allegation.

6. The petitioner is being represented through his father and the father 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.

7. On perusal of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it is crystal clear that it 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.

8. 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 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. Both the learned courts have been pleased to reject the bail application of the petitioner only on the ground of gravity of allegation. Even in the Social Investigation Report, nothing adverse has been noted in the judgment of the learned Additional Sessions Judge. In absence of any material or evidence of

reasonable grounds, it cannot be said that release of the petitioner would defeat the ends of justice and both the learned courts have failed to give reasons on three contingencies for declining the bail to the revisionist.

10. The petitioner is being represented by his father and the father is ready to give undertaking that he will keep the petitioner in good behaviour and character in future and he will prevent the petitioner from associating with any known criminal and from exposing him to moral, physical or psychological danger.

11. In view of above facts, the order dated 30.06.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Godda in connection with Godda (Town) P.S. Case No.89 of 2026 arising out of Enquiry No.206 of 2026 and the order dated 31.07.2026 passed by the learned Additional Sessions Judge-1-cum-Children Court, Godda in Criminal Appeal No.29 of 2026 are, hereby, set aside.

12. Since the revisionist is in observation home since 07.05.2026, he is directed to be released on bail via assurance and surety given by his natural guardian/father in connection with Godda (Town) P.S. Case No.89 of 2026, arising out of Enquiry No.206 of 2026, after furnishing a personal bond of his father (Pradeep Kumar Ram @ Pradeep Kumar Chandravanshi) with two sureties of his relative each in the like amount to the satisfaction of Juvenile Justice Board, Godda 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 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 with the second Monday of November, 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. Accordingly, this criminal revision petition is disposed of in above terms. Pending I.A., if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 28th October, 2026
Ajay/

Uploaded on
30th October, 2026