IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 1086 of 2026 (CNR-JHHC010330672026)

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. Arun Kumar, Advocate
For the State : Mr. Satish Prasad, A.P.P.

04/25.11.2026 Heard Mr. Arun Kumar, learned counsel appearing for the petitioner and Mr. Satish Prasad, learned counsel appearing for the State.

2. This criminal revision petition has been preferred for setting-aside the order dated 11.08.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Pakur in Misc. Criminal Application No.1532 of 2026 arising out of Pakur (M) P.S. Case No.69/2026 corresponding to Juvenile Case No.25/2026, registered for the offence under Sections 64(1), 115(2), 117(2) of the B.N.S. and Section 4 of POCSO Act, whereby, the prayer for bail of the petitioner has been rejected. The further prayer is made for setting-aside the order dated 27.08.2026 passed by the learned Special Judge, Children Court, Pakur in Criminal Appeal No.43 of 2026, whereby, the prayer for bail of the petitioner has been rejected and the order passed by the Juvenile Justice Board has been affirmed.

3. Learned counsel for the petitioner submits that the petitioner is a juvenile and he was aged about 17 years at the time of alleged crime. He further submits that the petitioner is in remand home since 03.06.2026. He then submits that the petitioner and victim were friends. He next submits that in the social investigation report, there is nothing adverse against the petitioner. He also submits that the petitioner is being represented through

his father and the father is ready to give undertaking that he will keep the petitioner in good behaviour and character in future and will prevent him from associating with any known criminals and from exposing him to moral, physical or psychological danger and he is ready to swear an affidavit in this regard. He further submits that the petitioner is a student of Class X.

4. Learned counsel appearing for the State opposed the prayer and submits that the allegations are there of establishing physical relationship with the victim and in view of that the learned Courts have rightly come to the conclusion that the petitioner may come into contact with dreaded criminals. On these grounds, he submits that the prayer made in the present petition may kindly be rejected.

5. Admittedly the petitioner was aged about 17 years at the time of alleged occurrence. It has been pointed out that the petitioner and victim were friends. The petitioner is in remand home since 03.06.2026. By the last order, case diary and social investigation report were called for and in the social investigation report, nothing adverse has come against the petitioner. The petitioner is said to be a student as disclosed in the social investigation report. In para 29 of the case diary, medical report is also not supporting the said sexual intercourse.

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

7. Both the learned Courts have been pleased to reject the prayer for bail of the petitioner on the ground that the petitioner may come into contact with

dreaded criminals, however, it appears to be not on any reasonable ground and that is only apprehension. In absence of any material on record, it cannot be said that the juvenile will come into contact with the criminals. For rejecting the bail, three ingredients in light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 are required to be considered, deals for bail to juveniles, i.e. (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 is 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. 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 to the effect that there is likelihood that the petitioner will come into the association of dreaded criminals and gravity of the offence 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 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 based on gravity of crime.

11. In view of the above facts, the order dated 11.08.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Pakur in Misc. Criminal Application No.1532 of 2026 arising out of Pakur (M) P.S. Case No.69/2026 corresponding to Juvenile Case No.25/2026 and the order dated 27.08.2026 passed by the learned Special Judge, Children Court, Pakur in Criminal Appeal No.43 of 2026 are, hereby, set aside.

12. Since the revisionist is in observation home since 03.06.2026, he is directed to be released on bail via assurance and surety given by his natural guardian/father in connection with Pakur (M) P.S. Case No.69/2026 corresponding to Juvenile Case No.25/2026 after furnishing a personal bond of his father (Saifuddin Sheikh @ Safudin Shaikh @ Saifuddin Sk.) with two sureties of his relative each in the like amount to the satisfaction of Juvenile Justice Board, Pakur 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 with the second Monday of December, 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, Pakur on such a periodical basis as the Juvenile Justice Board may determine.

13. Accordingly, this criminal revision petition is allowed and disposed of in above terms. Pending I.A., if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 25th November, 2026
Ajay/

Uploaded on
26th November, 2026