IN THE HIGH COURT OF JHARKHAND, RANCHI
Criminal Revision No. 1105 of 2026

Vishnu Kant Oraon, aged about 18 years, S/o Jitvahan Oraon, R/o village – Balakhatanga, PO and PS – Ghaghra, District – Gumla, Jharkhand, through his natural guardian (father) Jitwahan Oraon @ Jitvahan Oraon, S/o Soma Oraon, R/o village – Balakhatanga, PO and PS – Ghaghra, District-Gumla, Jharkhand **.... Petitioner**

-- Versus --

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Kripa Shankar Nanda, Advocate
For the State :- Mr. Praful Jojo, Advocate

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*02**/01.10.2026*** Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

2. This criminal revision has been preferred for setting aside the order dated 18.05.2026 passed by learned Principal Magistrate, Juvenile Justice Board, Lohardaga in Misc. Criminal Application No.343 of 2026 arising out of Senha P.S. Case No.35 of 2025 corresponding to G.R. Case No.112 of 2026 registered for the offence under Section 310(2) of BNS, 2023 whereby the bail application of the petitioner has been rejected and the prayer is also made for setting aside the order dated 12.08.2026 passed in Criminal Appeal No.40 of 2026 passed by learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Civil Court,

Lohardaga affirming the order of learned Principal Magistrate, Juvenile Justice Board, Lohardaga.

3. Learned counsel appearing for the petitioner submits that the petitioner was aged about 17 years at the time of alleged occurrence. He further submits that there are altogether five accused persons and they have been charge sheeted in the present case and three of the persons, who are major, have been granted regular bail by a Co-ordinate Bench of this Court in B.A. No.2625 of 2026 and 2119 of 2026. He then submits that the petitioner is in remand home since 29.04.2025 and in view of that he has already remained in custody for about 17 months.

4. Learned counsel appearing for the State opposes the prayer and submits that the petitioner was accomplice of the persons, who have been granted regular bail by a Co-ordinate Bench of this Court.

5. Petitioner was aged about 17 years and three of the accused persons, who are major have been granted regular bail by a Co-ordinate Bench of this Court in the aforesaid BAs and the petitioner has already remained in remand home for about 17 months. The social investigation report as discussed in the impugned order also suggests that counsellor has given the opinion that this petitioner is required to give a chance for future educational program and in the course of argument it has been

pointed out that the petitioner is student of Class-XII.

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 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 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. In light of 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.

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 peeking 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 mandatory provision of Section 12 of Juvenile Justice Act 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 materials or evidences of reasonable grounds, it cannot be said that his release would defeat the ends of justice and the learned Court has 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

heinousness of the offence. Thus, the order dated 18.05.2026 passed by learned Principal Magistrate, Juvenile Justice Board, Lohardaga in Misc. Criminal Application No.343 of 2026 arising out of Senha P.S. Case No.35 of 2025 corresponding to G.R. Case No.112 of 2026 and the order dated 12.08.2026 passed in Criminal Appeal No.40 of 2026 passed by learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Civil Court, Lohardaga are not sustainable in the eye of law and hence both the orders are hereby set aside and the present criminal revision is allowed.

11. Let the revisionist who is in observation home since 29.04.2025 be released on bail via assurance and surety given by his natural guardian/father, in connection with Senha P.S. Case No.35 of 2025 corresponding to G.R. Case No.112 of 2026 registered for the offence under Section 310(2) of BNS, 2023 pending in the Court of learned Principal Magistrate, Juvenile Justice Board, Lohardaga after furnishing a personal bond on his father (Jitwahan Oraon @ Jitvahan Oraon) with two sureties of his relatives each in the like amount to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Lohardaga, 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 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.*

(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, Lohardaga, on such a periodical basis as the Juvenile Justice Board may determine.*

12. This criminal revision petition is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 01.10.2026
Sangam/