IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1164 of 2026

Bablu Ram, aged about 16 years, son of Surendra Ram, resident of village Naitand, P.O. Bandiyabad, P.S. Bengabad, District-Giridih (Jharkhand), represented through his mother and natural guardian Anu Devi, aged about 41 years, wife of Surendra Ram, resident of village-Naitand, P.O. Bandiyabad, P.S. Bengabad, District-Giridih (Jharkhand)

..... … Petitioner

Versus

The State of Jharkhand ..... … Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. P.P.N. Roy, Sr. Advocate
: Mr. Kamdeo Pandey, Advocate
For the State : Mr. Sanat Kr. Jha, A.P.P.

02/ 03.11.2026: Heard learned senior counsel for the petitioner and learned counsel for the State.

2. Learned senior counsel for the petitioner submits that the petitioner has moved before the learned Juvenile Justice Board, Giridih in connection with M.C.A. No. 5070 of 2026 arising out of Pachamba P.S. Case No. 22 of 2026 which has been rejected by order dated 05.08.2026. He submits that thereafter the petitioner filed criminal appeal being Criminal Appeal No. 106 of 2026 before the learned Additional Sessions Judge-1-cum- Special Judge Children Court, Giridih which was further rejected by judgment dated 25.08.2026.

3. Learned senior counsel for the petitioner submits that the petitioner was aged about 15 years at the time of alleged crime and filed the present revision application through his mother. He submits that the mother is ready to give undertaking that she will keep the petitioner in good behaviour and character in future and prevent him from associating with any known criminals and she will not allow the child to expose to any moral, physical, or psychological danger and in this regard she is ready to swear affidavit. He further submits that the petitioner has been implicated in this case only on the basis of last seen with the deceased and he is in Remand Home since 14.03.2026. He further submits that three of the major co-accused persons have been granted regular bail in B.A. No. 5569 of 2026, B.A. No. 7044 and B.A. No. 4710 of 2026.

4. Learned counsel for the State opposes the prayer and submits that learned courts have held that there is every chance that after release the petitioner will come into contact with the dreaded criminals and in view of that the petitioner may not be released on bail.

5. In view of above facts, it is an admitted position that the petitioner is juvenile and he is in Remand Home since 14.03.2026. The petitioner has been implicated in this case only on the basis of last seen with the deceased and three of the major co-accused persons have been granted regular bail in B.A. No. 5569 of 2026, B.A. No. 7044 and B.A. No. 4710 of 2026. The petitioner is being represented by his mother and she is giving undertaking that she will take care of the child.

6. It appears that both the courts have been pleased to reject the bail application of the petitioner on the ground that there is chance that the petitioner will come into contact with dreaded criminals and he will be exposed to moral, physical, or psychological 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 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. The findings recorded by the Juvenile Justice Board

as well as appellate court are that the petitioner will come into contact with dreaded criminals. Thus, the order dated 25.08.2026 passed by the learned Additional Sessions Judge-1-cum- Special Judge Children Court, Giridih in Criminal Appeal No. 106 of 2026 and the order dated 05.08.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in connection with M.C.A. No. 5070 of 2026 arising out of Pachamba P.S. Case No. 22 of 2026 are not sustainable in the eye of law and hence both the orders are set aside and the present criminal revision is allowed.

11. Let the revisionist who is in Remand Home, Giridih since 14.03.2026 be released on bail via assurance and surety given by his natural guardian/mother in connection with M.C.A. No. 5070 of 2026 arising out of Pachamba P.S. Case No. 22 of 2026 , after furnishing a personal bond on his mother (Anu Devi) with two sureties of her relatives each in the like amount to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Giridih subject to the following conditions:

(i) Natural guardian/mother 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 mother 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 with the first Monday of December, 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, Giridih, 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. 03.11.2026
Satyarthi/-