IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1179 of 2026

Sunny Kumar @ Sunny Patel @ Sunny Kumar Patel, son of Sikau Mahto, aged about 16 years 11 months, resident of Ward No.11, Village Thumma, P.O. and P.S. Sahajpur, District Sitamadhi, Bihar through its natural guardian father Sikau Mahto, aged about 50 years, son of Aklu Mahto, resident of Ward No.11, Village Thumma, P.O. and P.S. Sahajpur, District Sitamadhi, Bihar .... Petitioner

Versus

State of Jharkhand .... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Lukesh Kumar, Advocate
For the State : Ms. Priya Shrestha, Special P.P.
(through video conferencing)

03/06.11.2026 This criminal revision petition has been preferred against the order dated 12.08.2026 passed in Criminal (Miscellaneous) Appeal No.86 of 2026 by Additional Sessions Judge I-cum-Special Judge (Children Court), Giridih dismissing the said appeal and affirming the order dated 06.07.2026 passed in MCA No.3380 of 2026 in connection with Bengabad P.S. Case No.45 of 2026 whereby bail petition of the petitioner has been rejected by learned Principal Magistrate, Juvenile Justice Board, Giridih.

2. Learned counsel for the petitioner submits that the petitioner was aged about 16 years at the time of alleged incident. He submits that the petitioner and the victim both were liking each other and she has gone voluntarily along with the petitioner. He further submits that even the victim has been examined under Section 180 of the BNSS and the case diary was called for by the last order wherein she has clearly stated that she has gone on her own volition and she has categorically stated no sexual assault has been made by the petitioner. He also submits that in the medical report it has also been noted that she has refused to go for medical check-up on her own volition and the mother has also supported it. He next submits that the petitioner is in remand home since 15.03.2026. The petitioner is a student of Class X and the petitioner is being represented by his father and father is ready to give the undertaking to keep the petitioner in good behaviour and

character in future and will prevent him 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.

3. Ms. Priya Shrestha, learned counsel appearing for the State through video conferencing opposes the prayer and submits that the learned courts have rightly considered that there is likelihood that the petitioner will come into the association of the criminal.

4. The petitioner was aged about 16 years at the time of alleged incident and he is in remand home since 15.03.2026. In the statement under Section 180 of the BNSS, the victim has stated that she has gone on her own volition and there is no allegation of physical assault upon the petitioner that is further fortified in the light of the medical report. The petitioner is being represented by father and father is ready to give the undertaking. In the social investigation report also, there is nothing adverse against the petitioner except the parental control, however, finding is that there is likelihood that the petitioner will come into contact of the criminal. From perusal of the impugned order, it transpires that in absence of any material or evidence or reasonable ground coming into contact of the criminals, it cannot be said that the release of the petitioner will defeat the ends of justice and the learned courts have failed to give reasons on three contingencies for declining the bail to the revisionist in the light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 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.

5. Thus, the order dated 12.08.2026 passed in Criminal (Miscellaneous) Appeal No.86 of 2026 by Additional Sessions Judge I-cum-Special Judge (Children Court), Giridih and order dated 06.07.2026 passed in MCA No.3380 of 2026 in connection with Bengabad P.S. Case No.45 of 2026 by learned Principal Magistrate, Juvenile Justice Board, Giridih, are set aside.

6. Let the revisionist, who is in remand home since 15.03.2026 be released on bail via assurance and surety given by his natural

guardian/father, in connection with Bengabad P.S. Case No. 45 of 2026, after furnishing a personal bond on his father (Sikau Mahto) with two sureties of his relatives each in the like amount to the satisfaction of Juvenile Justice Board, Giridih, 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 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.

3. This criminal revision petition is allowed and disposed of. Pending I.A, if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 06.11.2026
Anit