IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No. 1213 of 2026

Nishant Bhogta @ Nishant Kumar Bhogta, aged about 16 years S/o Somar Ganjhu, R/o Village Nawadih, P.O. Kandaber, P.S. Keredari, District Hazaribagh (Jharkhand), represented through his father and natural guardian Somar Ganjhu, aged about 50 years, S/o Late Budhan Ganjhu, R/o Village Nawadih, P.O. Kandaber, P.S. Keredari, District Hazaribagh, Jharkhand.

..... … Petitioner

Versus

The State of Jharkhand

..... … Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Kshitij Arya, Advocate.
For the State : Mr. Praful Jojo, A.P.P.

03/ 05.11.2026 Heard learned counsel appearing for the petitioner and learned A.P.P. for the State.

2. This criminal revision has been preferred for setting aside judgment dated 31.07.2026 passed by the learned Additional Sessions Judge-I-cum-Children Court, Hazaribagh, in Criminal Appeal (Juvenile) No. 140 of 2026 whereby the appeal preferred by the petitioner has been dismissed by way of affirming the order of the learned Juvenile Justice Board, Hazaribagh and also for quashing of order dated 21.05.2026, passed by the learned Principal Magistrate, Juvenile Justice Board, Hazaribagh, in connection with Katkamdag P.S. Case No. 137 of 2025 corresponding to G.R. No. 351 of 2026, registered for the offence under Sections 137(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (later on Sections 103 and 238 of Bharatiya Nyaya Sanhita, 2023 were added), pending in the Court of learned Principal Magistrate, Juvenile Justice Board, Hazaribagh.

3. Learned counsel appearing for the petitioner submits that the petitioner was aged about 16 years at the time of alleged occurrence. He next submits that the petitioner is in remand home since 17.11.2025 and as such, he has remained in remand home near-about a year. He further submits that the learned courts have been pleased to reject the prayer for regular bail of the petitioner only on the ground that he will be exposed to moral, physical and psychological danger that if he will be released on bail. He then submits that by the last order, social investigation report of the petitioner was called, which has been received and in the said report, nothing adverse has been given against this petitioner. He next submits that the petitioner is being represented through natural guardian/father and father is ready to give 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 and psychological danger and he is ready to swear an affidavit in this regard. On these grounds, he submits that regular bail may kindly be granted to the petitioner.

4. Learned A.P.P. appearing for the State has opposed the prayer and submits that allegations are there and the learned Courts have rightly apprehended that the petitioner will come into association with any known criminals and in view of that the learned Courts have rightly passed the order and on this ground, he submits that regular bail may not be granted to the petitioner.

5. The petitioner is in remand home since 17.11.2025 and as such, he has remained in remand home near-about a year and further he is being represented by his father and he is ready to take care of the petitioner and he will not allow him to accompany any known criminal and he will not allow him to expose him to moral, physical or

psychological danger and he is also ready to swear an affidavit in this regard.

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 the 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.

7. On perusal of the social investigation report, it transpires that there is nothing adverse against this petitioner and the learned courts have been pleased to reject the prayer for regular bail of the petitioner on the ground that the petitioner will come into contact with any known criminals, however, what are the materials to that effect is not disclosed and 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 Courts have failed to give reasons on three contingencies for declining the bail to the revisionist. The findings recorded by learned Juvenile Justice Board and the learned appellate Court are based on unfounded apprehension of coming into the contact with the known criminals.

8. Thus, the judgment dated 31.07.2026 passed by the learned Additional Sessions Judge-I-cum-Children Court, Hazaribagh, in Criminal Appeal (Juvenile) No. 140 of 2026 and also the order dated 21.05.2026, passed by the learned Principal Magistrate, Juvenile Justice Board, Hazaribagh, in connection with Katkamdag P.S. Case No. 137 of 2025 corresponding to G.R. No. 351 of 2026, are not sustainable in the

eye of law and hence both these orders are set aside and the present criminal revision is allowed.

9. Let the revisionist, who is in observation home since 17.11.2025, be released on bail via assurance and surety given by his natural guardian / father, in connection with Katkamdag P.S. Case No. 137 of 2025 corresponding to G.R. No. 351 of 2026, after furnishing personal bond of his father (Somar Ganjhu) with two sureties of his relatives each in the like amount to the satisfaction of the learned Principal Magistrate, Juvenile Justice Board, Hazaribagh, 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 learned Principal Magistrate, Juvenile Justice Board, Hazaribagh, on such a periodical basis as the Juvenile Justice Board may determine.

10. With the above observation, this criminal revision is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated:-05.11.2026
Amitesh/-