IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1219 of 2026

Shubham Mandal @ Shubham Kumar, aged about 18 years, represented through his father namely, Suresh Mandal, son of Bhikhan Mandal, resident of Bhandaro, Naitand, P.O. and P.S. Dumri, District-Giridih

..... … Petitioner

Versus

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. Zaid Ahmed, Advocate
For the State : Mr. Rajneesh Vardhan, Advocate

02/ 28.10.2026: Heard learned counsel for the petitioner and learned counsel for the State.

2. This criminal revision has been preferred against the order dated 24.08.2026 passed by the learned Additional Sessions Judge-I, Giridih in Criminal (Miscellaneous) Appeal No. 94/2026 whereby the learned court has been pleased to dismiss the appeal affirming order dated 04.07.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in connection with Dumri P.S. Case No. 126 of 2024 registered under sections 70(1) of B.N.S, 2023, pending in the Court of learned Principal Magistrate, Juvenile Justice Board, Giridih.

3. Learned counsel for the petitioner submits that the petitioner was aged about 16 years at the time of alleged crime and filed the present revision application through his father. He submits that the father is ready to give undertaking that he will keep the petitioner in good behaviour and character in future and prevent him from associating with any known criminals and he will not allow the child to expose to any moral, physical, or psychological danger and in this regard he is ready to swear affidavit. He further submits that the petitioner has been falsely implicated in this case and he is in Remand Home since 30.04.2026. He next submits that in the Social Investigation Report there is nothing adverse against the petitioner. He further submits that learned Principal Magistrate, Juvenile Justice Board, Giridih has been pleased to release the another co-accused who was also juvenile namely, Sanjeet Mandal by order dated 05.03.2025 in the light of annexure-2 and petitioner is a student of Class-X at Bhandaro, Giridih and in this view of the matter petitioner may kindly be released on bail.

4. Learned counsel for the State opposes the prayer and submits

that the learned courts after taking into consideration that petitioner's release will expose him to moral, physical and psychological danger, rejected the bail 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 30.04.2026. Nothing adverse has come against the petitioner in the social investigation report. The petitioner is a student of Class-X at Bhandaro, Giridih. One of the co-accused who was also juvenile has been granted bail by order dated 05.03.2025 by the learned Principal Magistrate, Juvenile Justice Board, Giridih contained in Annexure-2. Similar allegation is made against the petitioner. The petitioner is being represented by his father and he is ready to give undertaking that he 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 petitioner's release may expose him to moral, physical, or psychological danger and may defeat the ends of justice.

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's release may expose him to moral, physical and psychological danger. Thus, the order dated 24.08.2026 passed by the learned Additional Sessions Judge-I, Giridih in Criminal (Miscellaneous) Appeal No. 94/2026 and order dated 04.07.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Giridih in connection with Dumri P.S. Case No. 126 of 2024 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 30.04.2026 be released on bail via assurance and surety given by his natural guardian/father, in connection with Dumri P.S. Case No. 126 of 2024, after furnishing a personal bond on his father (Suresh Mandal) with two sureties of his 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/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 November, 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, 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. 28.10.2026
Satyarthi/-