IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1239 of 2026

Rakesh Kumar @ Rakesh Nishad, aged about 17 years, son of late Krishna Nishad, represented through his elder brother and natural guardian Rahul Kumar Nisad, sonof late Krishna Nishad, resident of Bajrang Tekri, Gulab Bari Ward No. 11, Bagbera, Post Bagbera, Police Station Bagbera, Town Jamshedpur, District-East Singhbhum, Jharkhand

..... … Petitioner

Versus

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. Lalit Yadav Advocate
For the State : Mrs. Amrita Kumari, A.P.P.

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

2. Learned counsel for the petitioner submits that the petitioner has moved before the learned Juvenile Justice Board, Seraikella in connection with Adityapur P.S. Case No. 391 of 2025 which has been rejected by order dated 26.02.2026. He submits that thereafter the petitioner filed criminal appeal being Criminal Appeal (Bail) No. 16 of 2026 before the learned Additional Sessions Judge-1-cum- Special Judge Children Court, Seraikella which was further rejected by judgment dated 08.05.2026.

3. Learned counsel for the petitioner submits that the petitioner was aged about 17 years at the time of alleged crime and filed the present revision application through his elder brother. He submits that the elder brother 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 is not named in F.I.R and subsequently his name has come only on suspicion. He further submits that only allegation against the petitioner is made that he was last seen with the deceased and he is in Remand Home since 04.01.2026.

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 04.01.2026. The petitioner is not

named in F.I.R and only allegation against the petitioner is that he was last seen with the deceased. The petitioner is being represented by his elder brother and he is giving 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 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 08.05.2026 passed by the learned Additional Sessions Judge-1-cum- Special Judge Children Court, Seraikella in Criminal Appeal (Bail) No. 16 of 2026 and the order dated 26.02.2026 passed by

the learned Principal Magistrate, Juvenile Justice Board, Seraikella in connection with Adityapur P.S. Case No. 391 of 2025 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, Seraikella since 04.01.2026 be released on bail via assurance and surety given by his natural guardian/elder brother in connection with Adityapur P.S. Case No. 391 of 2025, after furnishing a personal bond on his elder brother (Rahul Kumar Nisad) with two sureties of his relatives each in the like amount to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Seraikella subject to the following conditions:

(i) Natural guardian/elder brother 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 elder brother will ensure that the juvenile will not repeat the offence.

(ii) Natural guardian/elder brother 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/elder brother 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, Seraikella, 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/-