

.... Petitioner

1. The State of Jharkhand

2. Raju Das, R/o village – Kherona, PO – Palmo, PS – Giridih (Muffasil), District - Giridih **.... Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Tarun Kumar No.1, Advocate

For the State :- Mr. Sanat Kr. Jha, Advocate

For O.P. No.2 :- Mr. Akhilesh Kr. Singh, Advocate

09/18.09.2025 Heard learned counsel appearing for the petitioner,
learned counsel appearing for the State and learned counsel
appearing for the O.P. No.2.

2. This criminal revision has been preferred against the order dated 08.01.2025 passed by the learned District and Additional Sessions Judge-I, Giridih in connection with Criminal (Misc.) Appeal No.118 of 2024 arising out of Giridih (M) P.S. Case No.221 of 2024 corresponding to G.R. No.2413 of 2024 for the offences registered under Section 366A, 376, 354(B), 323, 506 and 379 of Indian Penal Code and Section 4 of POCSO Act whereby the bail application of the petitioner has been rejected and the order of learned Principal Magistrate, Juvenile Justice Board, Giridih in Giridih (M) P.S. Case No.221 of 2024 corresponding to G.R. No.2413 of 2024 has been

confirmed.

3. Learned counsel for the petitioner submits that the petitioner is aged about 16 years and 9 months at the time of alleged occurrence and he is being represented by his father and he is ready to give any undertaking. He further submits that the petitioner is in remand home since 24.07.2024. He then submits that there is love affair between the petitioner and the alleged victim and even in the medical report nothing adverse has come with regard to the allegation of rape. He next submits that the case has been registered after three months of the alleged occurrence. He further submits that the learned Court has not considered the provisions made under Section 12 of Juvenile Justice Act in its right spirit.

4. Learned counsel appearing for the State and Informant jointly opposes the prayer and submits that the allegations are there against the petitioner and if the petitioner will be granted bail he will expose to moral, physical or psychological danger and there is likelihood that he will come into the contact of dreaded criminal.

5. In view of above submission of learned counsel appearing for the parties, it is an admitted position that the petitioner is juvenile aged about 16 years and 9 months at the time of alleged occurrence and he is in remand home since 24.07.2024 and the petitioner is being represented by his father and he is ready to give

any undertaking and both the learned Courts have been pleased to reject the application only on the ground that there is chance of exposing the petitioner to moral, physical and psychological danger.

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 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 appear 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. In light of Section 12 of the said Act, it also transpires that seriousness of the alleged offence or the age of the juvenile are also no relevant consideration for denial of bail above 16 years of age and is alleged to have committed a heinous offence is also entitled to get bail under Section 12 of the Act, 2015 with regard to grant of bail. Section 12 of the Act is applicable to all juveniles in conflict with law without any discrimination of any nature.

8. The learned Court has been pleased to reject the bail

application only on the ground that the petitioner will expose to moral, physical or psychological danger that does not found to be good reason.

9. The gravity of allegation has not been properly appreciated and mandatory provision of Section 12 of Juvenile Justice Act as well as other provisions relating to the juvenile has declined to grant bail to the juvenile on the basis of unfounded apprehension is not the spirit of Juvenile Justice Act. 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 Court has failed to give reasons on three contingencies for declining the bail to the revisionist.

10. In view of the aforesaid discussion, the order dated 08.01.2025 passed by the learned District and Additional Sessions Judge-I, Giridih in connection with Criminal (Misc.) Appeal No.118 of 2024 arising out of Giridih (M) P.S. Case No.221 of 2024 corresponding to G.R. No.2413 of 2024 is not sustainable in the eye of law, hence the order is hereby set aside.

11. Let the revisionist who is in observation home since 24.07.2024 be released on bail via assurance and surety given by his natural guardian/father, in connection with Criminal (Misc.) Appeal No.118 of 2024 arising out of Giridih (M) P.S. Case No.221 of 2024 corresponding to G.R. No.2413 of 2024 for the alleged

offences registered under Section 366A, 376, 354(B), 323, 506 and 379 of Indian Penal Code and Section 4 of POCSO Act after furnishing a personal bond on his father (Sri Dewlal Das @ Devi Lal Das) with two sureties of his relatives each in the like amount to the satisfaction of learned 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 first Monday of every calendar month commencing with the first Monday of September, 2025, 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. Before imparting the judgment, it is necessary to point out that the identity of the juvenile in the present matter has been disclosed in the impugned judgment and order which violates the

right to privacy and confidentiality of the juvenile and against the law laid down by the Hon'ble Supreme Court in the case of ***Shilpa Mittal v. NCT Delhi, reported in (2020) 2 SCC 787*** wherein it was held that the identity of the juvenile shall not be disclosed.

13. The present revision has been filed by the revisionist through his natural guardian/father. The memo of parties discloses the name of the juvenile.

14. The Registry is directed to conceal the name of the juvenile from the cause list as well as the record of this case, so that the name and identities are not disclosed as directed by Hon'ble Supreme Court in the case of ***Shilpa Mittal (supra)***.

15. This criminal revision petition is allowed and disposed of.

16. Pending petition, if any, is also disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 18.09.2025
Sangam/