

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Revision No.547 of 2025**

Juvenile 'X' through his father       ....    ...    Petitioner

Versus

1. The State of Jharkhand

2. Basanti Marandi                               ....    ...    Opp. Parties

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**CORAM    : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Petitioner       :       Mr. Shashank Shekhar, Advocate.

For the Opp. Party       :       Mr. Achinto Sen, APP

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**3/08.10.2025**       Heard learned counsel for the petitioner and learned counsel for the State.

2. By order dated 23.06.2025, the State was directed to serve the notice upon the victim through the natural guardian/ father of the victim and the same has been served and affidavit to that effect has also been filed, in spite of that, nobody has appeared on behalf of the guardian of the victim.

3. This Criminal Revision has been preferred for setting aside the judgment dated 18.03.2025 passed in Cr. Appeal No.58 of 2025 by the learned Additional Sessions Judge—I cum Special Judge, Bokaro, whereby the bail application of the petitioner has been rejected and the order dated 22.02.2025 passed in G.R. Case No.907 of 2025 by Principal Magistrate, Juvenile Justice Board, Bokaro arising out of FIR Chatrochatti P.S. Case No.16 of 2023, registered under Section 376(A)(B) of IPC & Sections 4/6 of POCSO Act, has been affirmed.

4. Learned counsel appearing for the petitioner submits that at the time of alleged crime, the petitioner was aged about 14 years and 08 months and the Petitioner is in remand home since 10.08.2023 and

he is in custody about two years. He further submits that the petitioner is being represented by his father and the father is ready to give any undertaking to the effect that the petitioner will not be exposed to any hardened criminal and he will also not come in close to person of moral, physical and psychological danger. He also referred to Section 18(1)(g) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He further submits that the learned Juvenile Justice Board has been pleased to reject the bail only on the ground of gravity of the charge and the appellate court has been pleased to reject the bail on the ground of apprehension that the petitioner will expose to persons of moral, physical and psychological danger. He submits that although the allegation is very heinous, however, considering the age of the petitioner and undertaking of the father of the petitioner, the petitioner may kindly be released on any condition.

5. Learned counsel appearing for the State opposed the prayer and submits that the allegation is very heinous against the petitioner and in view of that, bail may not be granted.

6. It is admitted position that the petitioner is in remand home since about two years, the petitioner is being represented by his father and the father is ready to give the undertaking to the effect that the petitioner will not be exposed to moral, physical and physiological danger.

7. 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.

8. From Section 12 of the said Act, it also transpires that seriousness of the alleged offence or the age of the juveniles is 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. There is no classification, whatsoever, provided in 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.

9. In view of the above discussions, it transpires that the reasoning of the learned Juvenile Justice Board was based on the gravity of the charge and in view of that rejected the bail application and the learned Appellate Court has been pleased to reject the bail application of the petitioner only on the ground of apprehension that the petitioner will be exposed to person of moral, physical and physiological danger and that has been done in absence of any

cogent apprehension. In absence of any material or evidence or reasonable apprehension, it cannot be said that the release of the victim would defeat the ends of justice. Further both the courts have not been able to give reasons on three contingencies for deciding the bail to the revisionist. The finding recorded by the learned Juvenile Justice Board is on the basis of the heinous offence and the appellate court on apprehension of expose to such person of moral physical and physiological danger, have been pleased to reject the bail of the petitioner in absence of any cogent reason, that does not find to be a good ground.

10. In view of the above, the judgment dated 18.03.2025 passed in Cr. Appeal No.58 of 2025 by the learned Additional Sessions Judge—I cum Special Judge, Bokaro and the order dated 22.02.2025 passed in G.R. Case No.907 of 2025 by Principal Magistrate, Juvenile Justice Board, Bokaro arising out of FIR Chatrohatti P.S. Case No.16 of 2023 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 observation home since 10.08.2023 be released on bail via assurance and surety given by his natural guardian/father, in FIR Chatrohatti P.S. Case No.16 of 2023 after furnishing a personal bond on his father (Lalu Tudu @ Lalu Manjhi) with two sureties of his relatives each in the like amount to the satisfaction of Juvenile Justice Board, Bokaro, 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 fourth Monday of every calendar month commencing with the fourth Monday of October, 2025, and if during any calendar month the fourth 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, Bokaro, on such a periodical basis as the Juvenile Justice Board may determine.

11. 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 Supreme Court in **Shilpa Mittal v. NCT Delhi, (2020) 2 SCC 787** wherein, it was held that the identity of the juvenile shall not be disclosed.

12. The present revision has been filed by the revisionist through his natural guardian/father. The memo of parties discloses the name of the juvenile. The Registry is directed to conceal the names of the juvenile from the cause list as well as the record of this case so that the names and identities are not disclosed as directed by the Supreme Court in *Shilpa Mittal* (supra).

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

**(Sanjay Kumar Dwivedi, J.)**

*R.Kumar /dated 08.10.2025*