

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.766 of 2025

Juvenile 'X' through his father	...	Petitioner
	Versus	
The State of Jharkhand	...	Opp. Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Santosh Kr. Shukla, APP
For the Informant	:	Mr. Rahul Pandey, Advocate
		Mr. Sourabh Singh, Advocate

4/14.10.2025 Heard learned counsel appearing for the petitioner and learned counsel appearing for the State and also learned counsel appearing for the informant.

2. This Criminal Revision has been preferred for setting aside the Judgment dated 21.03.2025 passed by learned Additional Judicial Commissioner-IV cum Special judge (POCSO), Ranchi in Cr. Appeal No.84 of 2025, whereby the learned Court has been pleased to dismiss the appeal arising out of order dated 25.02.2025 passed by learned Juvenile Justice Board, Ranchi, who has been pleased to reject the bail of CICL, in connection with Pithoria P.S. Case No.133 of 2024, corresponding to G.R. Case No.534 of 2025, under Sections 103(1), 238, 61(2) of BNSS, pending in the Court of Juvenile Justice Board, Ranchi.

3. Learned counsel appearing for the petitioner submits that the petitioner is a juvenile and he was aged about 13 years 10 months at the time of alleged crime and he is in remand home since 18.11.2024. He further submits that only on the suspicion and confessional statement, the petitioner has been arrested. He also submits that the

learned Court has been pleased to reject the bail application only on the ground that in the social investigation report, there is no clear finding with regard to the apprehension of the petitioner to come in the society of person of moral, physical and psychological danger.

4. He further submits that the petitioner is being represented by his father and the father is ready to give an undertaking that he will take care of the child and he will not allow him to expose to any person having moral, physical and physiological danger. He then submits that petitioner may kindly be allowed to set out from the jail.

5. Learned counsel appearing for the State and informant opposed the prayer and submits that the learned Court has found that the Social Investigation Report has come with regard to the exposure of the petitioner to come in association of persons having moral, physical and psychological danger and in view of that the learned Court has been pleased to reject the bail of the petitioner and he further submits that there is no illegality in the impugned order.

6. It is admitted position that the petitioner was aged about 13 years 10 months at the time of alleged crime. The trial is already been proceeded. PW-2 is the informant and he has been examined and he has stated that the police has narrated the story of the crime to him and the FIR was also not written by PW-2, who happens to be the informant. In view of that, prima facie it appears that the petitioner has been apprehended only on the basis of suspicion and confession and the petitioner is in remand home since 18.11.2024. It appears that only on apprehension of coming in association of

persons having moral, physical and physiological danger, the bail of the petitioner has been rejected by the learned Courts, which does not sound good as per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which deals with bail to juveniles. On perusal of Section 12 of the J.J. Act, 2015, it is crystal clear 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 to child 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. From 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. 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.

8. 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.

9. In view of above discussions, the Court is satisfied that the reasoning and conclusion of the learned appellate court as well as Juvenile Justice Board that there is likelihood that the petitioner will come into the association of criminals and there is likelihood of moral, physical and psychological danger of the petitioner if released on bail is not founded on reasonable grounds. It appears that the ground of rejection is not considered as per Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in right perspective and the bail of the petitioner has only been rejected on the ground of apprehension, which does not sound good.

10. In view of the above discussion, the Judgment dated 21.03.2025 passed by learned Additional Judicial Commissioner-IV cum Special judge (POCSO), Ranchi in Cr. Appeal No.84 of 2025 and the order dated 25.02.2025 passed by learned Juvenile Justice Board, Ranchi in connection with Pithoria P.S. Case No.133 of 2024, corresponding to G.R. Case No.534 of 2025 are hereby set-aside.

11. In view of that, this Criminal Revision Petition is allowed.

12. Since the revisionist is in observation home since 18.11.2024, he is directed to be released on bail via assurance and surety given by

his natural guardian/father in connection with Pithoria P.S. Case No.133 of 2024, corresponding to G.R. Case No.534 of 2025 after furnishing a personal bond of his father with two sureties of his relative each in the like amount to the satisfaction of Juvenile Justice Board, Jamshedpur, 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, 2025, 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, Ranchi, on such a periodical basis as the Juvenile Justice Board may determine.

13. 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.

14. 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).

15. As such, this Criminal Revision is disposed of. Pending I.A. if any stands disposed of.

(Sanjay Kumar Dwivedi, J.)

14.10.2025

R.Kumar