

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Revision No. 738 of 2025**

Juvenile 'X' through his mother ..... ... Petitioner  
Versus  
The State of Jharkhand ..... ... Opposite Party

-----  
**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**  
For the Petitioner : Mr. A.K. Chaturvedy, Advocate  
For the State : Mr. V.S. Sahay, A.P.P  
-----

**06/ 09.10.2025:** Heard learned counsel for the petitioner and learned counsel for the State.

2. This criminal revision has been preferred against the judgment dated 09.04.2025 passed by the learned Additional District and Additional Sessions Judge-I, Khunti in Criminal Appeal No. 04/2025 whereby the learned court has been pleased to dismiss the appeal affirming order dated 28.02.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Khunti in connection with Khunti P.S. Case No. 126/2024, registered under sections 103(1) and 238 of the BNS,2023, whereby the bail of the petitioner has been rejected, pending in the Court of learned Juvenile Justice Board, Khunti.

3. Learned counsel for the petitioner submits that the petitioner was aged about 14 years at the time of alleged crime and filed the present revision application through his mother. He further submits that the mother is ready to give undertaking that she will take care of the child and she will not allow the child to expose to any moral, physical, or psychological danger. He also submits that F.I.R has been registered against unknown persons and later on the confessional statement of the co-accused the name of the petitioner has come. He then submits that petitioner is in Remand Home since February, 2025. He further submits that co-accused persons who are adult, they have been granted regular bail by the Co-ordinate Bench in B.A. No. 746 of 2025, B.A. No. 2167/2025 and B.A. No. 2511 of 2025. He submits that the petitioner may kindly be released on bail.

4. Learned counsel for the State opposes the prayer and submits that both the courts have rightly held that there is chance that the petitioner will expose to moral, physical or psychological danger 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 February, 2025. The name of the petitioner has come in the confessional statement of the co-accused. The petitioner is being represented by his mother and she is giving undertaking that she will take care of the child and she will not allow the child to expose to any moral, physical, or psychological danger. The co-accused persons who are adult, they have been granted regular bail by

the Co-ordinate Bench in B.A. No. 746 of 2025, B.A. No. 2167/2025 and B.A. No. 2511 of 2025.

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 expose 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 good one in the light of Section 12 of the Juvenile Justice (Care and Protection 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 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 expose to any moral, physical, or psychological danger. Thus, the judgment dated 09.04.2025 passed by the learned District & Additional Sessions Judge-I, Khunti in Criminal Appeal No. 04/2025 and order dated 28.02.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Khunti in connection with Khunti P.S. Case No. 126/2024 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, Khunti since February, 2025 be released on bail via assurance and surety given by his natural guardian/mother, in connection with Khunti P.S. Case No. 126/2024, after furnishing a personal bond on his mother (Kandi Devi)) with two sureties of his relatives each in the like amount to the satisfaction of Juvenile Justice Board, Khunti, subject to the following conditions:

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

(ii) Natural guardian/mother 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/mother will report to the Probation Officer on the first Monday of every calendar month commencing with the first Monday of October, 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, Khunti, 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.

Dt. 09/10.2025

*Satyarthi/-*

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