

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.752 of 2025

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

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Shashank Shekhar No.3, Advocate.
For the Opp. Parties : Mr. Rakesh Kumar Sinha, APP

3/15.09.2025 Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

2. This Criminal Revision has been preferred against the Judgment dated 09.06.2025 passed in Criminal Appeal No. 14/2025 by learned Addl. Sessions Judge-1-cum-Children Court, Deoghar and order dated 26.04.2025 in E.N. 187 of 2025 passed by learned Principal Judge, Juvenile Justice Board, Deoghar arising out of Jasidih P.S. Case No. 245/2024, registered for under Section 70(1)/64(2)(m)/89 of BNS & 6 of POCSO Act, pending before the Ld. Juvenile Justice Board, Deoghar.

3. Learned counsel appearing for the petitioner submits that the petitioner was aged about 17 years 06 months at the time of alleged crime. He further submits that the petitioner is in remand home since 18.09.2024. He then submits that the physical relationship has been established by one Karan Rawani in December 2023, wherein the FIR has been registered on August 2024. He further submits that the father of the victim has been examined before the learned Court and he has stated that if Karan Rawani will solemnize the marriage with

his daughter, he will withdraw the case. He further submits both the learned Courts have rejected the bail applications of the petitioner on the severity of the allegation and that he will try to contact the victim.

4. He further submits that the petitioner is being represented by his mother and mother is ready to give any undertaking that she will take care of the child and she will not allow him to expose to any moral, physical and physiological danger. He submits that the petitioner is in remand home since 18.09.2024 and he may kindly be granted bail.

5. Learned counsel appearing for the State opposed the prayer and submits that the allegations are there against the petitioner and in view of that the learned Courts considering the severity of the matter have rejected the bail application and in view of that this application may kindly be not allowed.

6. In view of the submissions of the learned counsel for the parties, it transpires that the at the time of occurrence, the petitioner was aged about 17 years 06 months and he is in remand of home since 18.09.2024. He is represented by his mother and the mother is ready to give any undertaking that the petitioner will not be exposed to the moral, physical and phycological danger. Even the father of the victim has stated before the learned Court that if Karan Rawani will solemnize marriage with his daughter, he will withdraw the case.

7. The bail of the juvenile can be rejected only on three grounds ground in light of Section 12 of the Juvenile Justice (Care and

Protection of Children) Act, 2015, (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 juvenile 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, it transpires that the gravity of the allegation is not the ground to reject the bail of a Juvenile in the light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the learned Courts have been pleased to reject the bail of the petitioner only on the ground of severity of the allegation.

10. In view of the readiness of the mother of giving undertaking and further considering that the bail can be rejected only on three grounds, the reasons assigned by the learned Courts are not good in view of the above discussions. Further considering that the severity of the allegation is not only the criteria to surpass the Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 as

well as other provisions relating to the juvenile. 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.

11. 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 in view of that the Judgment dated 09.06.2025 passed in Criminal Appeal No. 14/2025 by learned Addl. Sessions Judge-1-cum-Children Court, Deoghar and order dated 26.04.2025 in E.N. 187 of 2025 passed by learned Principal Judge, Juvenile Justice Board, Deoghar arising out of Jasidih P.S. Case No. 245/2024 are hereby set-aside.

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

13. Since the revisionist is in observation home since 18.09.2024, he is directed to be released on bail via assurance and surety given by his natural guardian/mother in connection with Jasidih P.S. Case No. 245/2024, after furnishing a personal bond of his mother with two sureties of his relative each in the like amount to the satisfaction of Juvenile Justice Board, Deoghar, 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, Deoghar, on such a periodical basis as the Juvenile Justice Board may determine.

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

15.09.2025
R.Kumar

(Sanjay Kumar Dwivedi, J.)