

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 214 of 2025

Juvenile "X" represented through his father ... **Petitioner**

-Versus-

The State of Jharkhand

... Opposite Party

.....

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

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For the Petitioner : Mr. Ajeet Kumar Singh, Advocate

For the State : Mrs. Ruby Pandey, A.P.P.

For the Informant : Mr. Akhilesh Singh, Advocate

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05/14.10.2025 Heard Mr. Ajeet Kumar Singh, learned counsel for the petitioner, Mrs. Ruby Pandey, learned counsel for the State and Mr. Akhilesh Singh, learned counsel for the informant.

2. This criminal revision petition has been preferred challenging the judgment dated 28.02.2024 passed by the learned Spl. Judge (Children Court), Gumla in Criminal Appeal No.03 of 2024, whereby, the appeal preferred by the petitioner has been dismissed and the order passed by the learned Principal Magistrate, Juvenile Justice Board, Gumla has been affirmed. The order dated 25.01.2024 passed by the learned Principal Magistrate, Juvenile Justice Board, Gumla in connection with Sursang P.S. Case No.07 of 2023 corresponding to Spt. G.R. Case No.92 of 2023 is also under challenge, by which, the prayer for bail of the petitioner has been rejected.

3. Learned counsel for the petitioner submits that the petitioner was aged about 14 years at the time of alleged crime. He further submits that the petitioner is in custody since 07.05.2023. He then 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 moral, physical or psychological danger. He next submits that the petitioner has got

no criminal antecedent. He also submits that till date, nothing adverse has come against the petitioner in the medical report and DNA report is still awaited. He further submits that the petitioner has remained in custody for about 2 ½ years. He next submits that the Social Investigation Report is also in favour of the petitioner, wherein, it has been stated that there is nothing to state that the petitioner will be exposed to moral, physical or psychological danger. He also submits that both the learned Courts have rejected the prayer for bail of the petitioner considering the gravity of the allegation. He next submits that Section 12 of the Juvenile Justice (Care and Protection) Act, 2015 has not been rightly appreciated by both the Courts. He further submits that the adult co-accused has been granted regular bail by a Coordinate Bench of this Court in B.A. No.7798 of 2023, vide order dated 23.11.2023.

4. Learned counsel for the State and informant jointly opposed the prayer and submit that the allegations are there. Learned counsel for the State submits that the case is arising under Section 376DA of the Indian Penal Code and the victim has also supported the case.

5. In view of the above submissions of the learned counsel for the parties, it is an admitted position that the petitioner was aged about 14 years at the time of alleged crime. The petitioner is in custody since 07.05.2023 i.e. about 2 ½ years. It has also been pointed out that the petitioner has got no criminal antecedent. The adult co-accused has been granted regular bail in the aforesaid B.A. It appears that both the learned Courts have been pleased to reject the prayer for bail of the petitioner on the ground of gravity of offence. The petitioner is being represented by his father and the father is ready to give undertaking to the effect that the petitioner will not be exposed to any

moral, physical or psychological danger.

6. For rejecting the bail, three ingredients in light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 are required to be considered, deals for bail to juveniles, i.e. (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 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.

8. 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 to the effect that there is likelihood that the petitioner will come into the association of dreaded criminals and gravity of the offence and there is likelihood of moral, physical and psychological danger of the petitioner if released on bail not founded on reasonable grounds.

9. The gravity of allegation has not been properly appreciated and the mandatory provision of Section 12 of J.J. Act, 2015 as well as other

provisions relating to the juvenile has declined to grant bail to the juvenile on the basis of unfounded apprehension. 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 based on gravity of crime.

10. In view of the above facts, the judgment dated 28.02.2024 passed by the learned Spl. Judge (Children Court), Gumla in Criminal Appeal No.03 of 2024 and the order dated 25.01.2024 passed by the learned Principal Magistrate, Juvenile Justice Board, Gumla in connection with Sursang P.S. Case No.07 of 2023 corresponding to Spt. G.R. Case No.92 of 2023 are, hereby, set-aside.

11. Since the revisionist is in custody since 07.05.2023, he is directed to be released on bail via assurance and surety given by his natural guardian/father in connection with Sursang P.S. Case No.07/2023, corresponding to Spt. G.R. Case No.92/2023, 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, Gumla 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 November, 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, Gumla on such a periodical basis as the Juvenile Justice Board may determine.

12. Accordingly, this criminal revision petition is disposed of in above terms.

13. Pending I.A., if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 14th October, 2025
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