

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 885 of 2025

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

-Versus-

The State of Jharkhand

... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Jitendra Shankar Singh, Advocate

For the State : Mr. Rajneesh Vardhan, A.P.P.

03/14.10.2025 Heard Mr. Jitendra Shankar Singh, learned counsel for the petitioner
and Mr. Rajneesh Vardhan, learned counsel for the State.

2. This criminal revision petition has been preferred for setting-aside the order dated 31.07.2025 passed in Criminal Appeal No.46 of 2025 by the learned Additional Sessions Judge-I-cum-Children Court, Latehar, whereby, the learned Court has been pleased to dismiss the appeal and upheld the order dated 11.06.2025 passed in connection with Manika P.S. Case No.60 of 2023 (registered for the offence under Sections 302, 201, 34 of the Indian Penal Code) by the learned Principal Magistrate, Juvenile Justice Board, Latehar.

3. Mr. Jitendra Shankar Singh, learned counsel for the petitioner submits that the case was registered under Sections 302, 201, 34 of the Indian Penal Code. He further submits that the petitioner was aged about 14 years at the time of alleged crime. He then submits that the petitioner is in remand home since 01.05.2025. He next submits that the petitioner is being represented by his uncle and he is ready to give undertaking that the petitioner will not be exposed to moral, physical or psychological danger. He also submits that the name of the petitioner has come on the confessional statement of the adult co-accused, who have taken the name of the petitioner and they have been

granted regular bail in B.A. Nos. 11318 of 2023, 11761 of 2023, 11753 of 2023 and 5827 of 2025. He further submits that the petitioner has got no criminal antecedent. He also submits that both the learned Courts have been pleased to reject the bail application of the petitioner only on the ground that the petitioner will be exposed to moral, physical or psychological danger.

4. Learned counsel for the State opposed the prayer and submits that the name of the petitioner has come on confessional statement, however, he is not disputing the fact that adult co-accused persons have been granted regular bail in the aforesaid B.As.

5. In view of the above submissions of the learned counsel for the parties, it is apparent that the petitioner was aged about 14 years at the time of alleged crime. The name of the petitioner has come on the confessional statement of adult co-accused, who have been granted regular bail in the aforesaid B.As. Both the learned Courts have rejected the prayer for bail of the petitioner only on the ground that the petitioner will be exposed to moral, physical or psychological danger, which prima facie appears that in absence of any apprehension, the said orders have been passed.

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 order dated 31.07.2025 passed in

Criminal Appeal No.46 of 2025 by the learned Additional Sessions Judge-I-cum-Children Court, Latehar and the order dated 11.06.2025 passed in connection with Manika P.S. Case No.60 of 2023 by the learned Principal Magistrate, Juvenile Justice Board, Latehar are, hereby, set-aside.

11. Since the revisionist is in observation home since 01.05.2025, he is directed to be released on bail via assurance and surety given by his guardian/uncle in connection with Manika P.S. Case No.60 of 2023, after furnishing a personal bond of his uncle with two sureties of his relative each in the like amount to the satisfaction of Juvenile Justice Board, Latehar subject to the following conditions: -

- (i) The guardian/uncle 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) The guardian/uncle 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 the guardian/uncle 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, Latehar 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
Ajay/