

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 952 of 2025

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

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Ajay Kumar Sah, Advocate
For the State	:	Mr. Prabir Kumar Chatterjee, Spl.P.P.

03/17.09.2025 Heard Mr. Ajay Kumar Sah, learned counsel appearing for the petitioner and Mr. Prabir Kumar Chatterjee, learned counsel appearing for the State.

2. This criminal revision petition has been preferred for setting-aside the order dated 30.06.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Gumla in G.R. Case No.408 of 2025 arising out of Palkot P.S. Case No.21 of 2025, registered for the offence under Section 20(b)(ii)(c), 22(c), 25 and 29 of the N.D.P.S. Act, whereby, the prayer for bail of the petitioner has been rejected. The further prayer is made for setting-aside the order dated 31.07.2025 passed by learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Gumla in Criminal Appeal No.27 of 2025, whereby, the appeal filed by the petitioner has been dismissed and the order passed by the learned trial court has been affirmed.

3. Learned counsel for the petitioner submits that the petitioner is a juvenile and he was aged about 15 years at the time of alleged crime. He submits that false allegation is made against the petitioner that he was driver of the auto from where 25 packets of Cannabis (Ganja) have been recovered. He further submits that the petitioner is a student of Class-IX in Bhawani High School in the State of Bihar. He also submits that the petitioner is in remand home since 09.04.2025. He submits that the petitioner is having no criminal

antecedent. He further submits that the petitioner is being represented through his mother and she is ready to give any undertaking that she will take care of the child and he will not be exposed to any moral, physical or psychological danger. He submits that both the learned Courts have rejected the prayer of the petitioner on the apprehension that the petitioner may come into contact with hardened criminals or he may be exposed to moral, physical or psychological danger. On these grounds, he submits that the prayer for bail of the petitioner may kindly be allowed.

4. Learned counsel appearing for the State opposed the prayer and submits that the allegations are there against the petitioner and both the learned Courts have rightly passed the order and in view of that, the prayer for bail of the petitioner may kindly be rejected.

5. Admittedly the petitioner was aged about 15 years at the time of alleged occurrence. The allegation is made that the petitioner is the driver of the auto from where 25 packets of Cannabis have been recovered. The petitioner has got no criminal antecedent and he is a student and he is pursuing his studies in Class-IX.

6. The petitioner is being represented through his mother and the mother of the petitioner is ready to give any undertaking to the effect that she will take care of the child and the child will not be exposed to any moral, physical and psychological danger.

7. 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.

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 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.

10. 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.

11. In view of the above facts, the order dated 30.06.2025 passed by the learned Principal Magistrate, Juvenile Justice Board, Gumla in G.R. Case No.408 of 2025 arising out of Palkot P.S. Case No.21 of 2025 and the order dated 31.07.2025 passed by learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Gumla in Criminal Appeal No.27 of 2025 are, hereby, set aside.

12. Since the revisionist is in observation home since 09.04.2025, he is directed to be released on bail via assurance and surety given by his natural guardian/mother in G.R. Case No.408 of 2025 arising out of Palkot P.S. Case No.21 of 2025, after furnishing a personal bond of his mother with two sureties of her relative each in the like amount to the satisfaction of Juvenile Justice Board, Gumla 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 father 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, Gumla on such a periodical basis as the Juvenile Justice Board may determine.

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

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

(Sanjay Kumar Dwivedi, J.)

Dated: 17th September, 2025
Ajay/