



2026:AHC:56372

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 8217 of 2025

Juvenile X

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Pavan Kumar Mishra
Counsel for Opposite Party(s)	:	G.A., Santosh Kumar Singh

Court No. - 83

HON'BLE SUBHASH CHANDRA SHARMA, J.

Heard learned counsel for revisionist, learned counsel for the opposite party as well as learned A.G.A. for State and perused the record.

The present criminal revision has been preferred by the revisionist through his natural guardian under Section 102 of the Juvenile Justice (Care and Protection) Act-2015 (hereinafter referred to as "J.J. Act, 2015) to allow the present revision and set aside the judgment and order dated 07.10.2025 passed by learned Additional District & Sessions Judge/Special Judge (POCSO Act), Muzaffar Nagar in Juvenile Criminal Appeal No. 124 of 2025 as well as order dated 18.08.2025 passed by Juvenile Justice Board, Muzaffar Nagar. Further prayed to stay the operation of the aforesaid orders and to release the revisionist on bail in Case Crime No. 270 of 2025, under Sections 109(1), 333, 115(2) 351(3) B.N.S., Police Station Bhudhana, District Muzaffar Nagar.

It is submitted by learned counsel for the revisionist that in this case, he is innocent and has been falsely implicated. He has committed no offence. The delinquent was aged about 16 years at the time of alleged incident. There is allegation of marpeet with the injured with iron rod by the present revisionist with other co-accused persons, those were named in the F.I.R. and have already been granted bail by co-ordinate Bench of this Court. The role of the present revisionist cannot be said to be different from other co-accused persons who have already been granted bail. Recovery of iron rod has been shown by the police from the possession of the present revisionist that is totally false. There is no any criminal history against the revisionist. There is

nothing adverse to the present delinquent in the report as submitted by the District Probation Officer. The provisions as contained under Section 12 of the Juvenile Justice Act has not been considered by the Juvenile Justice Board as well as the appellate court. The learned J.J. Board did not consider all these facts while deciding the bail application and the learned appellate court also did not consider the material available on record while rejecting the appeal which cannot be said to be lawful. The delinquent is in Juvenile Care Home since 16.07.2025 and his psychology is being affected adversely, therefore, requested to set aside the order passed by the J.J. Board as well as appellate court and allow the criminal revision.

Learned counsel for the opposite party as well as learned A.G.A. opposed the prayer as aforesaid and contended that the present revisionist has made assault with iron rod that has been recovered at his instance.

Considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A., perusal of record, the age of the delinquent, the contents of F.I.R. and no any specific role assigned to the present revisionist, the period he remained in observation home, provisions as contained u/s 12 Juvenile Justice Act and report submitted by the D.P.O. it appears that J.J. Board as well as the appellate court has not considered the relevant provisions and the material on record in well manner but passed the order without applying their judicial mind. In this way, there appears ground in this revision and the orders passed by the Juvenile Justice Board as well as learned appellate court are liable to be set aside.

Accordingly, the orders passed by Juvenile Justice Board dated 18.08.2025 and the appellate court dated 07.10.2025 are, hereby, set aside and present Criminal Revision is hereby, **allowed**.

It is directed that delinquent/applicant be released on bail on executing personal bond by the revisionist (legal guardian of the delinquent) and two sureties each in the like amount to the satisfaction of the Juvenile Justice Board concerned on following conditions:-

(i) The revisionist/natural guardian 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 revisionist/natural guardian 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 revisionist/natural guardian will report to the Probation Officer on the first Monday of every calendar month.

(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, concerned on such a periodical basis as the Juvenile Justice Board may determine.

March 19, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)