2026:JHHC:29870

IN THE HIGH COURT OF JHARKHAND, RANCHI

Cr. Revision No. 900 of 2026

XXX aged about 17 years, through his father Vijay Kumar Gupta, son of Tulsi Sahu, aged about 43 years, resident of Village Mandai Khurd, PO Sudhar Vidhaylay, PS Lohsinghna, District Hazaribagh, Jharkhand .... Petitioner(s)

-- Versus --

The State of Jharkhand .... Opp. Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner(s) :- Mr. Rajesh Kumar Tiwari, Advocate
Mr. Vishwanath Moon, Advocate
Mr. Ritesh Kumar Sahu, Advocate

For the State :- Mr. Vijoy Kumar Sinha, Advocate

3/06.10.2026 Heard the learned counsel for the petitioner as well as the learned counsel for the respondent State.

2. This criminal revision petition has been directed against the order dated 26.03.2026 passed by learned Additional Sessions Judge-I Cum Special Judge, Children Court Hazaribagh in Cr.Appeal No.63 of 2020 whereby he has been pleased to refuse the prayer for bail and has dismissed the appeal preferred by the petitioner against the order dated 24.02.2026 passed by Juvenile Justice Board, Hazaribagh in connection with Lohsinghna P.S. Case No.01/2026, corresponding to G.R. No.1031 of 2026 for the offence punishable

under sections 191(2), 191(3), 126(2), 115(2), 117(2), 118(2), 324(4), 324(6), 109(1), 103(1) of BNS, 2026 pending in the court of learned Principal Magistrate, Juvenile Justice Board, Hazaribag.

3. Learned counsel for the petitioner submits that the petitioner (Sonu Saw) was aged about 17 years at the alleged date of incidence. He next submits that the only allegation is made against the petitioner that the petitioner has broken the wind shield of Bolero car and that has also come in the statement of the eye witness recorded in paragraph no.73 of the case diary as well as another eye witness Niranjan Yadav. He next submits that even in social investigation report, nothing adverse has come, however, in spite of that, the learned courts have been pleased to reject the bail application of the petitioner on the ground that the petitioner will be exposed to moral, physical or psychological danger. He next submits that the petitioner is being represented by his father and his father is ready to give the undertaking to the effect that he will keep the petitioner in good behaviour and character and will prevent him from coming into the association of the known criminals and will also take care of him so that he may not be exposed to any moral, physical or psychological danger. He next submits that the petitioner is a student of Class-XI and he is a meritorious student and, on these grounds, he submits that the petitioner may kindly be granted regular bail.

4. Learned counsel for the State opposes the prayer and submits that the petitioner was accomplice of other persons and the death of one person has occurred and two persons have received injury and, on these grounds, he submits that bail to the petitioner may kindly be rejected.

5. The petitioner was aged about 17 years at the time of alleged incidence and the petitioner is being represented by his father and the father is ready to give an under taking to the effect that he will keep the petitioner in good behaviour and character and will prevent him from coming into the association of the known criminals and will also take care of him so that he may not be exposed to any moral, physical or psychological danger.

6. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, deals with bail to juveniles. On perusal of Section 12 of the J.J. Act, 2015, it is crystal clear that Section 12 of the Act overrides the bail provisions as contained in the Criminal Procedure, 1973 or any other law for time being in force. It is further crystal clear that bail to the juvenile is a rule and refusal of the same is an exception and juvenile can be denied bail only on the following three grounds (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. Section 12 of the Act is applicable to all juveniles in conflict with law without any discrimination of any nature.

7. The learned courts have been pleased to reject the bail application of the petitioner on the apprehension that the petitioner will come in contact with known criminals and will be exposed to moral, physical and psychological danger if released on bail, however, in the social investigation report, nothing adverse has come against the

petitioner.

8. 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 learned courts 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 that the petitioner will come in contact with dreaded criminals. Thus, the order dated 26.03.2026 passed by learned Additional Sessions Judge-I Cum Special Judge, Children Court Hazaribagh in Cr.Appeal No.63 of 2020 as well as the order dated 24.02.2026 passed by Juvenile Justice Board, Hazaribagh in connection with Lohsinghna P.S. Case No.01/2026, corresponding to G.R. No.1031 of 2026, pending in the court of learned Principal Magistrate, Juvenile Justice Board, Hazaribag are not sustainable in the eye of law and hence both the said orders are, hereby, set-aside and the present criminal revision petition is allowed.

9. Let the revisionist who is in jail custody since 12.01.2026 be released on bail via assurance and surety given by his natural guardian/father (Vijay Kumar Gupta) in connection with Lohsinghna P.S. Case No.01/2026, corresponding to G.R. No.1031 of 2026, pending in the court of learned Principal Magistrate, Juvenile Justice Board, Hazaribag after furnishing a personal bond on his father with two sureties of his relatives each in the like amount to the satisfaction of the Juvenile Justice Board, Hazaribagh, 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 first Monday of every calendar month commencing on the first Monday of November, 2026 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, Hazaribagh**,** on such a periodical basis as the Juvenile Justice Board may determine.

10. This criminal revision petition is allowed and disposed of. Pending I.A, if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated : 06.10.2026
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