IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 986 of 2026

John Mirdha @ Anit Mirdha, aged about 17 years approx., through his natural guardian i.e. father- Sukumar Mirdha, aged about 38 years, son of Late Binod Mirdha, both are residents of Village Sitasal, P.O. and P.S. Sikaripara, District Dumka .... Petitioner

Versus

The State of Jharkhand .... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. S.P. Roy, Advocate
For the State : Mr. Arup Kumar Dey, A.P.P.

02/07.10.2026 This revision application has been preferred against the judgment dated 03.07.2026 passed by learned Additional Presiding Officer, Children's Court, Dumka in Criminal (Misc.) Appeal No.12 of 2026 in connection with Juvenile Case No.22/2024 arising out of Shikaripara P.S. Case No.26 of 2024, Enquiry No.71/2026 for allegedly committing offence under Sections 363, 302, 201/34 of the Indian Penal Code whereby he has been pleased to dismissed Criminal (Misc.) Appeal No.12 of 2026 and has affirmed the order dated 10.02.2026 passed by the court of learned Principal Magistrate, Juvenile Justice Board, Dumka rejecting the bail in connection with Juvenile Case No.22/2024 arising out of the said case pending in the court of learned Principal Magistrate, Juvenile Justice Board, Dumka.

2. Learned counsel appearing for the petitioner submits that the petitioner was aged about 15 years 01 month at the time of alleged occurrence. He submits that the petitioner's name has surfaced in course of the investigation and the petitioner has been arrested and remanded in remand home on 24.04.2024 and since then he is behind the bar and now he has remained in custody for two years and about six months. He next submits that the incident took place while the children were playing. He further submits that the FIR has also been lodged by the father however, petitioner is being represented by his father. He also submits that while playing due to the inadvertent act of the petitioner, cousin brother of the

petitioner has died and in view of that the father has lodged the FIR. He submits however, now the father himself representing the petitioner realizing that the petitioner has already gone substantial sentence for that act. He then submits that there is no eye witness and on confession, the petitioner has been named in the FIR. He next submits that the father of the petitioner is ready to give the undertaking to keep the petitioner in good behaviour and character in future and will prevent him from associating with any known criminal and from exposing him to moral, physical or psychological danger and he is ready to swear an affidavit in this regard. On these grounds, he submits that the petitioner may kindly be released on bail.

3. Learned counsel appearing for the State opposes the prayer and submits that the learned courts have found that the petitioner will exposed to known criminal and also considered the gravity of the offence and in view of that rightly rejected the bail of the petitioner.

4. Petitioner is being represented by his father, who is informant also and petitioner is in remand home since 24.04.2024 and in that way he has remained in custody for about two years and about six months. Under Section 21 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the mode of sentence is described to the juvenile. It transpires from the impugned order of the first appellate court that even evidence has not been started as yet in the trial. It is further crystal clear in the light of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 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. 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. In the absence of any material or evidence of reasonable grounds, it cannot be said that the release of the petitioner would defeat the ends of justice and the learned courts have failed to give reasons on three contingencies for declining the bail to the revisionist. The finding recorded by the learned courts are based on heinousness of the offence and the possibility of coming into contact of the criminals of the petitioner, however, that is not based on the material or evidence of reasonable grounds.

5. Thus the judgment dated 03.07.2026 passed by learned Additional Presiding Officer, Children's Court, Dumka in Criminal (Misc.) Appeal No.12 of 2026 in connection with Juvenile Case No.22/2024 arising out of Shikaripara P.S. Case No.26 of 2024, Enquiry No.71/2026 and order dated 10.02.2026 passed by the court of learned Principal Magistrate, Juvenile Justice Board, Dumka in connection with Juvenile Case No.22/2024, are not sustainable in the eyes of law and hence both the orders are set aside and the present criminal revision is allowed.

6. Let the revisionist, who is in observation home since 24.04.2024 be released on bail via assurance and surety given by his natural guardian/father, in Shikaripara P.S. Case No.26 of 2024 (Enquiry No.71/2026) after furnishing a personal bond on his father (Sukumar Mirdha) with two sureties of his relatives each in the like amount to the satisfaction of Juvenile Justice Board, Dumka, 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, 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, Dumka, on such a periodical basis as the Juvenile Justice Board may determine.

7. This criminal revision petition is allowed in the above terms and conditions. Pending I.A, if any, stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 07.10.2026
Anit

Uploaded
11.10.2026