



2026:AHC:164610

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1400 of 2026

Juvenile X

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Arvind Kumar Singh, Dharm Jeet Singh,
Sudhanshu Kumar Singh
Counsel for Opposite Party(s) : Ishwar Kumar Upadhyay, G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

Heard Sri Arvind Kumar Singh, learned counsel for the revisionist as well as learned counsel for the opposite party alongwith learned A.G.A. for the State and perused the record.

The present criminal revision has been preferred by the revisionist through his mother 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 05.02.2026 passed by learned Special Judge (POCSO Act)/Court No.8, Ballia in Criminal Appeal No.07/2026 (Juvenile 'X' vs. State of U.P. and another) as well as order dated 24.12.2025 passed by Juvenile Justice Board, Ballia. Further prayed to stay the operation of the aforesaid orders and to release the revisionist on bail in Case Crime No.213/2025, under Sections 64(1) B.N.S. and Section 3/4 POCSO Act, Police Station Gadwar, District Ballia.

It is submitted that in this case the age of the delinquent was about 16 years and he was not in a position to understand the nature of the act. Further submitted that with false allegation of commission of rape with the victim present F.I.R. was lodged by the victim herself. Further submitted that statement of the victim herself was recorded before the learned Magistrate u/s 183 B.N.S.S. in which she clearly stated that she went to the station Ballia alone and came back to her house at 12:00 Noon. She lodged F.I.R. at the instance of her family members against the present revisionist. Further stated that she did not go with the accused/child in conflict with law and he did not establish physical relations with her. The statement of the victim

shows that the revisionist is innocent and has falsely been implicated at the instance of the family members of the victim since he has not committed any offence. It is further submitted that the provisions as contained u/s 12 of the Juvenile Justice Act had not been considered by the Juvenile Justice Board even the report submitted by Probation Officer was also not considered. The appellate court has also not considered all these facts but rejected the bail application without applying its judicial mind and considering the law as contained u/s 12 of the aforesaid Act. It is also submitted that the apprehension of possibility of involving the delinquent in company of other criminals has been mentioned in the order passed by the learned Juvenile Justice Board and confirmed by the appellate court though no such possibility has been expressed by the Probation Officer in his report which is on record. The delinquent is in Juvenile Care Home since 24.09.2025 and his psychology is being affected adversely, therefore, requested to set aside 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.

Considering the facts and circumstances of the case, submission made by learned counsel for both the parties, perusal of record, the contents of F.I.R., statement of the victim as recorded u/s 183 B.N.S.S. before the learned Magistrate the provisions as contained u/s 12 of Juvenile Justice Act, the report submitted by the Probation Officer, it appears that Juvenile Justice Board as well as the appellate court had 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 24.12.2025 and the appellate court dated 05.02.2026 are, hereby, **set aside** and present criminal revision is hereby, **allowed**.

It is directed that delinquent/applicant be released on bail on executing person bond by the revisionist (mother 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/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 mother will ensure that the juvenile will not repeat the offence.

(ii) The revisionist/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 the revisionist/mother 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.

August 6, 2026
Ashok Gupta

(Subhash Chandra Sharma,J.)