



2026:AHC:166695

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3168 of 2026

X Juvenile

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Devendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

Despite service of notice on the opposite party, no one appeared on his behalf except learned A.G.A.

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

The present criminal revision has been preferred by the revisionist through his real maternal uncle 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 13.03.2026 passed by learned Special Judge/Juvenile Court/Additional Session Judge (POCSO Act), Fatehpur in Criminal Appeal No.04/2026 as well as order dated 05.02.2026 passed by Juvenile Justice Board, Fatehpur. Further prayed to release the revisionist on bail in Case Crime No.193/2025, under Sections 110, 351(3), 352, 115(2), 191(3), 191(2), 103(1) B.N.S., Police Station Hathgaon, District Fatehpur.

It is submitted that in this case the age of the delinquent was aged about 16 years and was not in a position to understand the nature of the act. Further submitted that in F.I.R. nine accused persons were named for making marpit in which one person died due to injuries. No any specific role was assigned to the present revisionist/juvenile except general role. Further submitted that rest of the accused persons major and have already been enlarged on bail by co-ordinate Benches of this Court. The case of the present revisionist cannot be placed on separate footing. 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 06.11.2025 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 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 provisions as contained u/s 12 of Juvenile Justice Act, the report submitted by the Probation Officer, the contents of F.I.R., the age of the revisionists, and the fact that other co-accused persons having similar role have already been enlarged on bail and the delinquent/applicant has not been assigned any specific role, 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 05.02.2026 and the appellate court dated 13.03.2026 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 (real maternal uncle 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/real maternal uncle 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 real maternal uncle will ensure that the juvenile will not repeat the offence.

(ii) The revisionist/real maternal uncle 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/real maternal uncle 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 10, 2026
Ashok Gupta

(Subhash Chandra Sharma,J.)