



2026:AHC:171966

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3252 of 2026

X Juvenile

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Saroj Kumar Rajpoot
Counsel for Opposite Party(s)	:	G.A., Ranvijay Kumar

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. Despite service of notice, none appeared on behalf of the informant.
2. Heard learned counsel for revisionist as well as learned A.G.A. for State and perused the record.
3. 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 29.04.2026 passed by Juvenile Court/Additional Session Judge/Special Judge (POCSO Act), Fatehpur in Criminal Appeal No. 16 of 2026 (Neta @ Mohit Lal (Juvenile Delinquent), son of Dharam Pal Versus State of U.P. and others), arising out of Case Crime No. 02 of 2026, under sections 65(2), 115(2), 352, 351(3) of B.N.S. and Section 5M/6 of POCSO Act, Police Station Hathgaon, District Fatehpur as well as order dated 31.03.2026 passed by Principal Magistrate, Juvenile Justice Board, Fatehpur, whereby the bail application of the revisionist has been rejected in Case Crime No. 02 of 2026, under section 65(2), 115(2), 352, 351(3) of B.N.S. and Section 5M/6 of POCSO Act, Police Station Hathgaon, District Fatehpur, during pendency of trial before the Juvenile Justice Board, Fatehpur.
4. It is submitted by learned counsel for the revisionist that in this case, he is innocent and has been falsely implicated in the present case. He further submitted that at the time of alleged incident, the age of revisionist determined as 17 years. He further submitted that as per version of the

first information report, revisionist is said to have committed sexual offence with the victim. But during the medical examination, neither external nor internal injury was found on her person. In the first information report, no any version was alleged by mother of the victim but later on allegation of rape was also added, though it is not supported by medico legal report as well as pathological report. He further submitted that there is no any other evidence on record to show that rape was committed to the victim by the present revisionist. He also submitted that statement of victim under Section 183 BNSS was recorded before the learned Magistrate, in which she clearly stated that revisionist has committed rape with her. 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 17.01.2026 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.

5.Learned A.G.A. opposed the prayer as aforesaid.

6.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 victim and delinquent, the contents of first information report, statement of the victim recorded under Section 183 B.N.S.S, medico legal report, pathological report and 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.

7.Accordingly, the orders passed by Juvenile Justice Board dated **31.03.2026**

and the appellate court dated **29.04.2026** are, hereby, set aside and present Criminal Revision is hereby, ***allowed***.

8.It is directed that '**X**' (**Juvenile**) 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.

(Subhash Chandra Sharma,J.)

August 14, 2026

T.S.