



2026:AHC:178948

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 8852 of 2025

Hxxxh Vxxxxxn

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	: Shyam Sunder Mishra, Sr. Advocate
Counsel for Opposite Party(s)	: Hashim Khan, G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. List revised. None appeared on behalf of the opposite party nos. 2 and 3 except learned A.G.A. for the State.

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 29.11.2025 passed by Children's Court/Special Judge POCSO Act/Additional Session Judge, Fatehpur in Criminal Appeal No. 66 of 2025, dismissing the same and upholding order dated 23.10.2025 passed by the Juvenile Justice Board, Fatehpur under Section 12 of Juvenile Justice (Care and Protection of Children) Act rejecting the bail application No. 97 of 2025 of the revisionist in connection with Case Crime No. 291 of 2025, under Sections 115(2)/352/103(1)/3(5) B.N.S. of Police Station Kotwali, District Fatehpur.

4. It is submitted by learned counsel for the revisionist that in this case, he is innocent and has been falsely implicated for causing injuries on the head of the deceased with hard blunt object with other co-accused persons. He further submitted that co-accused **Deepak Savita alias Chirag** was major and had already been granted by coordinate Bench of this Court vide order dated 14.10.2025 passed in Criminal Misc. Bail Application No. **34250 of 2025**. There is general allegation against all the accused persons

including the present revisionist. No specific role has been assigned in the first information report. 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 26.07.2025 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 statement of the victim 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 **23.10.2025** and the appellate court dated **29.11.2025** are, hereby, set aside and present Criminal Revision is hereby, **allowed**.

8.It is directed that **Hxxxh Vxxxxxn** 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 24, 2026

T.S.