



2026:AHC:174285

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3814 of 2026

Juvenile X

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Siya Ram Sahu
Counsel for Opposite Party(s)	:	G.A.

Court No. - 80

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Siya Ram Sahu, learned counsel for the revisionist, learned A.G.A. for the State and perused the record.

2. The instant criminal revision under Section 102 of Juvenile Justice (Care and Protection of Children) Act, 2015, has been preferred by the revisionist through his father with a prayer to allow the criminal revision and quash/set-aside the impugned judgment and order dated 27.05.2026 passed by Additional District and Sessions Judge /Juvenile Court, Banda, in Criminal Appeal No. 17 of 2026 "Juvenile-X Vs. State of U.P" and impugned order dated 10.04.2026 passed by Juvenile Justice Board, Banda arising out Case Crime No. 137 of 2024, under Sections 110, 115(2), 351(3) and 352 of B.N.S., Police Station Kotwali Dehat, District Banda.

3. It has been submitted by learned counsel for the revisionist that the revisionist is a child in conflict with law, aged about 16 years 02 months 24 days at the time of alleged incident and has been falsely implicated. It is also submitted by learned counsel for the revisionist that the courts below have not appreciated the material on record while passing the impugned orders. There is a criminal history of single case against which the revision is pending before this Hon'ble Court. Revisionist is confined at Child Observation Home since 09.02.2026 and his psychology is being affected adversely. The co-accused namely Mangal @ Shiv Mangal, Sukhlal @ Shukhu and Bachchu Prajapati have already been released on bail. It is further submitted that there is nothing adverse against the revisionist in the

report submitted by District Probation Officer, Banda.

4. Learned counsel for the revisionist further submitted that no useful purpose will be served by keeping the juvenile in observation home, who is confined in observation home since 09.02.2026. It is further submitted that the provisions as contained under Section 12 of 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 not considered all these aspects and rejected the appeal. He has further placed reliance on the judgment of Hon'ble Supreme Court in the case of ***Juvenile in conflict with law Vs. The State of Rajasthan and another arising out of Special Leave Petition (Crl.) No. 9566 of 2024*** decided on August 14, 2024 wherein the Apex Court in paras 5, 6, 7 has held as under:-

"5. In the entire process, the appellant has completed one year of custody. Section 12 of the JJ Act reads thus:

Section 12: Bail to a person who is apparently a child alleged to be in conflict with law.

(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the persons release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home [or a place of safety, as the case may

be] in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-section(1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

6. From the phraseology used in sub-section 1 of Section 12, a juvenile in conflict with law has to be necessarily released on bail with or without surety or placed under supervision of a probation officer or under the care of any fit person unless proviso is applicable.

7. We have perused all the orders passed earlier by the JJ Board, Special Court and High Court and specially the order dated 11th December, 2023 passed by the JJ Board. There is no finding recorded that the proviso to sub-Section 1 of Section 12 is applicable to the facts of the case. Without recording the said finding, bail could not have been denied to juvenile in conflict with law."

5. Per contra, learned A.G.A. has opposed the prayer for bail of the revisionist and submits that the offence is serious in nature. However, he did not dispute the factual and legal contention made by learned counsel for the revisionist, which are based on record.

6. After hearing learned counsel for the parties and going through the record, the Court finds that the revisionist is apparently a child in conflict with law and is confined at Child Observation Home since 09.02.2026. The courts below have not recorded any material which support the case of juvenile that the restrictive clause laid down under Section 12 of the Act for rejection of bail on facts of the case. No adverse report has been submitted by the District Probation Officer in respect of conduct of the revisionist.

7. The Court is of the considered opinion that the approach of courts

below is not sustainable and the impugned orders are liable to be set aside. The juvenile deserves to be released on bail with certain conditions.

8. Accordingly, the orders passed by Juvenile Justice Board, Banda dated 10.04.2026 and the Appellate Court dated 27.05.2026 are, hereby, set aside and present criminal revision is hereby, **allowed**.

9. It is directed that the child in conflict with law shall be released on bail on execution of personal bond filed by the guardian and two sureties each in the like amount to the satisfaction of the Juvenile Justice Board concerned. However, the Juvenile Justice Board shall issue appropriate directions to the District Probation Officer, Banda to keep the juvenile under supervision and to submit periodical reports to the Board about the conduct of juvenile.

August 18, 2026

Priyanka

(Nand Prabha Shukla,J.)