



2026:AHC:180013

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4401 of 2026

X Juvenile

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Pramod Kumar Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. Notice has already been served on the opposite party but none put appearance on his part, 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 11.06.2026 passed by Additional District and Session Judge/Special Judge, POCSO-3, Gorakhpur relating to Criminal Appeal No. 74 of 2026 (Juvenile Versus State of U.P. and another), whereby the appeal preferred on behalf of the revisionist against the order dated 05.05.2026 passed by the Principal Magistrate, Juvenile Justice Board, Gorakhpur arising out of Case Crime No. 167 of 2025, under Section 191(2), 3(5), 103(1) B.N.S., Police Station Tiwaripur, District Gorakhpur has been dismissed.

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 from the place of occurrence empty bottle of wine and disposal glasses were also collected by the investigating officer which show that the accused persons have taken drink and there was quarrel among co-accused persons and the deceased which shows that there was no any motive or intention to commit murder of the deceased. He also submitted that there

is no eye witness account that the present revisionist was also involved with other co-accused persons for committing offence and causing injury on the person of the deceased. He also submitted that only one injury was found on the head of the deceased, as a result of which, his death was caused as per opinion of the doctor who conducted postmortem. 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 21.07.2025 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 delinquent and the period he is in observation home, report of District Probationary Officer 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 **05.05.2026** and the appellate court dated **11.06.2026** are, hereby, set aside and present Criminal Revision is hereby, ***allowed***.

8.It is directed that **X Juvenile son of Ganga Gaud** 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 25, 2026

T.S.