



2026:AHC:57917

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1081 of 2026

Juvenile- K

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Shailendra Kumar Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE SUBHASH CHANDRA SHARMA, J.

1. Notice has been served but none appeared on behalf of opposite party no.
2.

2. Heard learned counsel for revisionist, 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 impugned judgment and order dated 05.01.2025 passed by the Additional Session Judge/Special Judge POCSO Act/ Children Court, Mirzapur whereby the Criminal Appeal No. 50 of 2025 (Juvenile Accused 'K' Versus State of U.P) of the revisionist under Section 52 of Juvenile Justice (Care and Protection of Children) Act 2000 was dismissed and also the order dated 25.09.2025 passed by the Juvenile Justice Board, Mirzapur, District Mirzapur in Case No. 81 of 2025 (State of U.P. Versus Juvenile Accused 'S') in Case Crime No. 161 of 2025, under Section 137(2), 70(2) B.N.S. and Section 3(2)(V) SC/ST Act and 5g/6 POCSO Act, registered at police station Kotwali Dehat, District Mirzapur whereby rejected the bail of the revisionist.

4. It is submitted by learned counsel for the revisionist that in this case, he is innocent and has falsely been implicated in the present case. He further submitted that at the time of alleged incident, the age of revisionist determined as 17 years. He also submitted that there is allegation of commission of rape with the victim against co-accused persons including the

present revisionist. Two accused persons were major, who had already been granted bail by coordinate Bench of this Court in Criminal Misc. Bail Application No. 41257 of 2025 (Sanju Versus State of U.P. and 4 others) and Criminal Misc. Bail Application No. 39492 of 2025 (Baijan @ Lal Sahab Versus State of U.P. and 4 others) vide orders dated 21.01.2026 and 22.01.2026. The case of present revisionist is not on different footing. 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 26.04.2025 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, the statement of the victim as recorded under Section 183 B.N.S.S., the age of revisionist and the period he is in observation home, no any specific role to that of co-accused person, the report as filed by District Probation 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 25.09.2025 and the appellate court dated 05.01.2026 are, hereby, set aside and present Criminal Revision is hereby, allowed.

8. It is directed that delinquent/applicant 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.

March 20, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)