



2026:AHC:64909

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1218 of 2026

Ab Minor

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Dilip Kumar, Pavan Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 84

HON'BLE JAI PRAKASH TIWARI, J.

Office has reported that notice has been served upon the opposite party no. 2 as per the learned CJM concerned, but no one has turned up to oppose this revision.

Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the material on record.

The present criminal revision has been filed to set aside the order dated 12.01.2026 passed by learned Additional District and Sessions Judge/Special Judge (POCSO), Bijnor in Criminal Appeal No. 146 of 2025; titled Minor vs. State of U.P., as well as the order dated 11.12.2025 passed by the Juvenile Justice Board, Bijnor, arising out of Case Crime No. 219 of 2024, under Sections 147, 148, 302, 34, 323, 504, 506 IPC, Police Station Nehtaur, District Bijnor.

Learned counsel for the revisionist submits:

(i) admittedly, the applicant was a juvenile aged about 13 years, 11 months and 22 days on the date of alleged incident; He is in jail since 13.10.2025;

(ii) the applicant is innocent and has been falsely implicated;

(iii) there is no specific or strong objection raised in the DPO report, other than the general and vague observations;

(iv) there is no criminal history of the applicant;

(v) there is no hope of early conclusion of the trial;

(vi) the co-accused (who are major) of the applicant have already been granted bail by this Court vide order(s) dated 18.11.2025, 11.11.2025, 27.06.2025 and 14.05.2025 passed in Criminal Misc. Bail Application No. 40636 of 2025 (Mohammad Talib vs. State of U.P.); Criminal Misc. Bail Application No. 39238 of 2025 (Farman alias Gunga vs. State of U.P.); Criminal Misc. Bail Application No. 21252 of 2025 (Asad vs. State of U.P.) and Criminal Misc. Bail Application No. 12380 of 2025 (Waseem vs. State of U.P.), respectively.

(vii) the revisionist has remained confined in the child observation home for an unduly long period of time;

(viii) none of the grounds contemplated under section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (hereinafter referred to as the Act) are available, to deny the bail to the applicant.

(ix) therefore, the impugned orders have been assailed as erroneous and contrary to law.

Learned A.G.A. for the State vehemently opposed the present criminal revision. It is submitted, the incident reported is true and it is wrong to say that the allegations made against the applicant are false, and/are motivated. Also, reliance has been placed on the findings recorded in the bail rejection orders to submit that the instant revision may be dismissed.

It is not in dispute that the applicant is a juvenile and is entitled to the benefits of the provisions of the Act. Under Section 12 of the Act, the prayer for bail of a juvenile may be rejected 'if there appear reasonable grounds for believing that the release of the juvenile is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice'.

The court has to see whether the opinion of the learned appellate Court as well as Juvenile Justice Board recorded in the impugned judgment and

orders are in consonance with the provision of the Act. Section 12 of the Act lays down three contingencies in which bail may be refused to a juvenile offender. These are:-

- (i) if the release is likely to bring him into association with any known criminal, or
- (ii) expose him to moral, physical or psychological danger, or
- (iii) that his release would defeat the ends of justice?

Thus, it remains largely undisputed that the applicant - was a juvenile on the date of occurrence; does not appear to be prone to criminal proclivity or criminal psychology, in light of the observations of the D.P.O; does not have a criminal history; has been in confinement for an unduly long period of time, in as much as the trial has not concluded within time frame contemplated by the Act. Even otherwise, there does not appear to exist any factor or circumstance mentioned in section 12 of the Act as may disentitle the applicant to grant of bail, at this stage. The sister of the applicant undertakes to address the statutory concerns expressed in section 12 of the Act, as to the safety and well being of the applicant, upon his release.

In view of the above, it appears that the findings recorded by the learned Court below are in conflict with the settled principle in law, for the purpose of grant of bail and are erroneous and contrary to the law laid down by this court. Consequently, those orders cannot be sustained. The impugned orders are hereby **set aside**.

In view of the observations made above, the present criminal revision is allowed. Let the **revisionist-AB 'Minor' son of Wasim through his natural guardian Kishwar (sister)** involved in the aforesaid case crime be released on bail, on his furnishing personal bond of Rs. 20,000/- with two sureties each of like amount, to the satisfaction of the court concerned with the following conditions:

- (i) The revisionist shall not tamper with the evidence or threaten the witnesses;

(ii) The revisionist through guardian shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law;

(iii) The revisionist through guardian shall remain present before the trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial Court may proceed against him under Section 229-A of the Indian Penal Code/269 B.N.S.S.

Registrar (compliance) is directed to communicate the order to the Child Observation Home concerned within a week.

(Jai Prakash Tiwari,J.)

March 28, 2026
Brijesh