



2026:AHC:56604

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 21 of 2026

X Juvenile

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Ajeet Kumar Srivastava, Saurabh
Counsel for Opposite Party(s)	:	Rama Shanker Yadav, G.A.

Court No. - 83

HON'BLE SUBHASH CHANDRA SHARMA, J.

Heard learned counsel for the revisionist, learned counsel for the opposite party alongwith learned A.G.A. for the State and perused the record.

The present criminal revision has been preferred by the revisionist through his real mother 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 08.12.2025 passed by learned Children Court/Additional District and Session Judge/Special Judge, (POCSO Act), Annany, Jaunpur in Criminal Appeal No. 130 of 2025, ('X' Juvenile through its mother/guardian Beena Devi Vs. State of U.P. and others) as well as the impugned order dated 15.11.2025 passed by learned Juvenile Justice Board, Jaunpur. Further prayed to release the revisionist on bail arising out of Case Crime No. 207 of 2025, under Section 70(2) of B.N.S. and 5G/5M/6 POCSO Act, Police Station Barsathi, District Jaunpur.

It is submitted by learned counsel for the revisionist that in this case he is aged about 9 years 3 months and is juvenile. He further submits that the victim was of tender age and was subjected to rape by co-accused Tinku as per contents of F.I.R. He also submits that in her statement as recorded under Section 183 B.N.S.S. before the learned Magistrate the victim has not stated about the commission of rape by the present revisionist also.

It is further submitted that the provisions as contained u/s 12 of the 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 also not considered all these facts but rejected the bail application without applying its judicial mind and considering the law as contained u/s 12 of the aforesaid Act. It is also submitted that the apprehension of possibility of involving the delinquent in company of other criminals has been mentioned in the order passed by the learned Juvenile Justice Board and confirmed by the appellate court though no such possibility has been expressed by the Probation Officer in his report which is on record. The delinquent is in Juvenile Care Home since 29.09.2025 and his psychology is being affected adversely, therefore, requested to set aside order passed by the J.J. Board as well as appellate court and allow the criminal revision.

Learned counsel for the opposite party as well as learned A.G.A. opposed the prayer as aforesaid and contended that all the three children committed rape with the victim aged about 3 years and during medical examination injuries were found on her private part showing the commission of rape. In case, the revisionist is released on bail it will not be beneficiary to the society and there may be danger to the life of the child.

Considering the facts and circumstances of the case, submission made by learned counsel for both the parties as well as learned A.G.A. and perusal of record, the contents of F.I.R, the statement of the victim as recorded under Section 183 B.N.S.S. before the learned Magistrate, the age of the revisionist, the period he remained in observation home, the provisions as contained u/s 12 of Juvenile Justice Act, the report submitted by the Probation Officer, it appears that Juvenile Justice Board as well as the Appellate Court had 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.

Accordingly, the orders passed by Juvenile Justice Board dated 15.11.2025 and the Appellate Court dated 08.12.2025 are, hereby, set aside and present criminal revision is hereby, ***allowed***.

It is directed that revisionist be released on bail on executing person bond by the revisionist (mother 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/mother 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 mother will ensure that the juvenile will not repeat the offence.

(ii) The revisionist/mother 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/mother 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 19, 2026
Suraj Srivastav

(Subhash Chandra Sharma,J.)