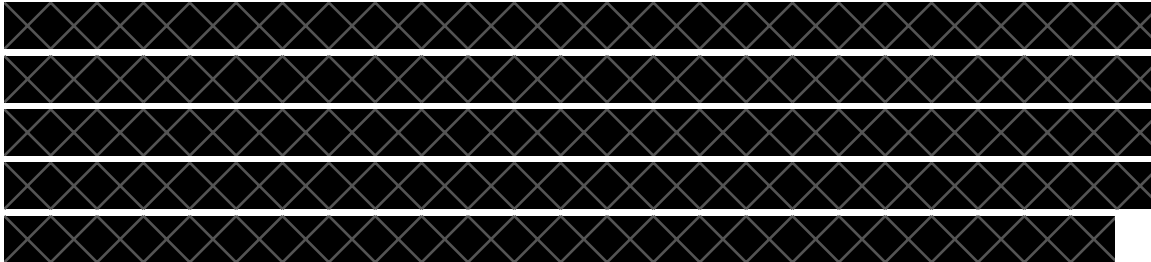




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 681/2025



-----Petitioner

Versus

State Of Rajasthan, Through Its Public Prosecutor

-----Respondent

For Petitioner(s) : Mr. N.S. Acharya
For Respondent(s) : Mr. P.K. Bhati, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

REPORTABLE 15/07/2025

Heard learned counsel for the petitioner (juvenile) as well as learned Public Prosecutor appearing on behalf of the respondent-State.

The allegation against the petitioner is of offence under Section 103(1), 238(A) & 3(5) of BNS. The bail application filed by the petitioner under Section 483 BNSS has been rejected by the learned Judge, Children Court, Bikaner vide order dated 02.04.2025. Being aggrieved of the order dated 02.04.2025 passed by the Court below, the petitioner has preferred this revision petition before this Court.

Learned counsel for the petitioner vehemently argued that petitioner was below 18 years of age at the time of incident. He has been falsely involved in the case without any material



evidence. It is argued that learned Court below has not appreciated the fact that the petitioner is juvenile and entitled to get benefit of provisions of the Act of 2015. The petitioner is in custody since long time and no further detention of the petitioner is required for any purpose. Learned counsel for the petitioner further submitted that the gravity of the offence committed cannot be a ground to decline bail to a juvenile. It is also argued that nothing adverse has been brought on record in the report of the Probation officer. Learned counsel for the petitioner relied upon decisions of Hon'ble Supreme Court in the case of *Juvenile in conflict with law vs. State of Raj. & Anr.* (Criminal Appeal arising out of Special Leave Petition (Crl.) No. 9566/2024) dated 14/08/2024, *CCL A Vs. State (NCT of Delhi)* reported in 2020 DHC 3061, *Child in Conflict with law vs. State of Gujarat* reported in 2022 GUJHC 19582 and *X Vs. State of Uttarakhand* reported in 2024 (261) AIC 883.

On the other hand, learned Public Prosecutor defended the impugned order passed by the court below in declining the bail to the petitioner. It is contended that this is a case where the petitioner juvenile alongwith co-accused Govind Kumar brutally murdered one Pappu Sah. Multiple injuries were found on the body of the deceased. This shows the intention of the accused amounting to culpable homicide.

I have carefully considered the submissions made by the learned counsel for the parties and also perused the provisions of the Act of 2015.

Referring to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, counsel for the petitioner has



contended that the release of a juvenile on bail is the presumptive rule, with detention being an exception. It is relevant to mention that under the provisions of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.), the gravity of the offence significantly influences the court's decision to grant or deny bail. However, this factor cannot be singularly determinative in cases involving juveniles, as the law mandates a nuanced approach that considers other pertinent factors.

The statutory framework emphasizes that the release of a juvenile is generally preferred, unless there exists a substantial belief that such release could result in the juvenile associating with known criminals, or expose him to moral, physical, or psychological harm, or otherwise frustrate the objectives of justice. This approach aligns with the rehabilitative and protective ethos underpinning juvenile justice legislation.

Upon evaluation of the submissions advanced by learned counsel for the petitioner, the Court observes that the juvenile does not appear to be at risk of association with known offenders or exposure to moral, physical, or psychological dangers. Nevertheless, considering the nature of the allegations, namely, that the juvenile is accused of heinous offences involving mental depravity under Section 103(1) of the Bharatiya Nyaya Sanhita, the Court is persuaded that releasing him on bail at this juncture could undermine the interests of justice.

This Court finds support in precedents such as the decision of the co-ordinate Bench in Vishal @ Ritik v. State of Rajasthan (S.B. Criminal Revision Petition No. 1520/2017, decided on 23.01.2018), as well as this Court's judgment in Rahul Solanki v.



State of Rajasthan, reported in 2020(3) Cr.L.R (Raj.) 839. These rulings reinforce that while the release of juveniles is generally favored, circumstances that threaten the juvenile's safety or the interests of justice warrant caution.

The gravity of the offence, specifically, the allegation of mercilessly causing the death of another person, necessitates a cautious approach. The court below and the Juvenile Justice Board, have objectively and pragmatically evaluated the circumstances, ensuring that justice is served without compromising the juvenile's future prospects or the societal interest. This Court finds no illegality or procedural irregularity in the orders passed by the lower courts that would warrant revisional interference.

So far as the cases cited by the learned counsel for the petitioner are concerned, it is pertinent to consider the relevant judgments in context. In the case of Juvenile in Conflict with Law v. State of Rajasthan & Anr., (Criminal Appeal arising out of Special Leave Petition (Crl.) No. 9566/2024) dated 14.08.2024, the Hon'ble Supreme Court explicitly emphasized the significance of the psychological assessment report of the juvenile. The Court noted that the report categorically stated that the juvenile did not belong to the "high-risk category", which played a crucial role in the Court's assessment of the juvenile's suitability for trial as an adult or as a juvenile. In the present case, the Juvenile Justice Board, Bikaner, pursuant to its preliminary assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015, by order dated 17.03.2025, has explicitly determined that the applicant be tried as an adult. This indicates a departure



from the considerations in the aforementioned Supreme Court judgment, where the psychological profile was a decisive factor.

Furthermore, in the case of Child in Conflict with Law Vs. State of NCT Delhi (Supra), the coordinate Bench of the Hon'ble Delhi High Court observed that the primary role attributed to the juvenile was mere presence at the scene, with no evidence of active participation in the attack or recovery of incriminating articles. The court emphasized that the allegations against him lacked specific involvement in the commission of the heinous crime, thereby rendering the case unsuitable for trial as an adult or for imposing stringent measures. Similarly, the Hon'ble Gujarat High Court, in the Child in Conflict with Law Vs. State of Gujarat (Supra) case, while granting bail, noted that the case against the juvenile was primarily based on the statement of co-accused, who had made a confession to a third party not produced as a witness during the trial. The court observed that the ingredients of Section 120B of the Indian Penal Code were not prima facie established, as the details of how and when the conspiracy was hatched were not disclosed by the prosecution. This underscores the importance of substantive and credible evidence before attributing criminal conspiracy, especially in cases involving minors. In the case of X v. State of Uttarakhand (Supra), the Hon'ble Uttarakhand High Court examined allegations concerning a consensual relationship and rape involving a 15-year-old victim. The Court emphasized that the core issue revolved around the nature of consent and the age of the victim, which are crucial in such cases. Conversely, in the present matter, the allegation pertains to murder, with specific and direct accusations against the petitioner. Having considered the



above judgments and the factual matrix of the present case, it is apparent that the allegations against the petitioner are serious and involve direct participation in a heinous crime. The case against the petitioner is supported by specific and substantive evidence, unlike the cases cited where the evidence was either circumstantial, based on confessions not corroborated by witnesses, or involved mere presence at the scene.

In light of the totality of circumstances, especially the gravity of the offence, the direct involvement of the petitioner, and the absence of compelling reasons to grant bail, this Court is not inclined to favor the petitioner with bail at this stage. The principles of justice and the need to uphold the integrity of the investigation and trial proceedings necessitate that the petitioner remain in custody.

In view thereof, the revision petition fails and same is hereby dismissed. However, the petitioner is granted liberty to file a fresh revision petition upon receipt of the Forensic Science Laboratory (FSL) report, should there be substantive grounds warranting reconsideration.

(MANOJ KUMAR GARG),J

22-BJSH/-