

(2011) 04 JH CK 0119
In the Jharkhand High Court
Case No : Criminal Rev. No. 267 of 2011

Dhananjay Kumar Mahto @ Dhananjay Mahto	APPELLANT
Vs	
The State of Jharkhand	RESPONDENT

Date of Decision : 19-04-2011

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 12, 53

Citation : (2011) 04 JH CK 0119

Hon'ble Judges : Dilip kumar sinha, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.K. Sinha, J.—The instant Criminal Revision has been filed u/s 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 by the Petitioner for setting aside the order impugned dated 25.02.2011 passed by the Sessions Judge, Seraikella Kharsawan in Criminal Appeal No. 70 of 2010 by which prayer for bail of the Petitioner rejected by the Juvenile Justice Board, Seraikella Kharsawan in Seraikella P.S. Case No. 33 of 2010, corresponding to G.R. No. 331 of 2010 was affirmed and the appeal was dismissed.

2. The Petitioner is admittedly a juvenile against whom there was allegation that the deceased Amit Kumar proceeded in the company of the Petitioner-Dhananjay Kumar Mahto @ Dhananjay Mahto and one Bambam Mahto on motorcycle, which was intercepted by the police and it was stated that though Amit Kumar and Bambam escaped from the place of occurrence but this petition Dhananjay Kumar Mahto @ Dhananjay Mahto was apprehended with the motorcycle and has taken to the Police Station to which entry was made in the Station Diary of Seraikeila Police Station. When the informant's father tried to get information from Bambam Mahto about his missing son Amit Kumar, no satisfactory answer was given to him rather he tried to subterfuge the matter. The Petitioner was later on released from the Police Station with the motorcycle. The dead body of Amit Kumar was recovered from a well and the informant suspected the

complicity of the Petitioner and Bambam Mahto on the ground that the deceased Amit Kumar might have illicit relation with the sister of the Petitioner-Dhananjay Kumar Mahto @ Dhananjay Mahto and for such reason the Petitioner-Dhananjay Kumar Mahto @ Dhananjay Mahto with the assistance of his uncle Bambam Mahto eliminated the deceased Amit Kumar by committing his murder. Assailing the order impugned passed by the Sessions Judge, learned Counsel Mr. Deepak Kumar submitted that the learned Sessions Judge failed to observe that only suspicion was raised against the Petitioner on conjectures and surmises that he might have illicit relation with the sister of the deceased and his bail was refused in appeal by observing that release of the Petitioner Dhananjay Kumar Mahto @ Dhananjay Mahto would defeat the ends of justice but how, has not been explained.

3. Mr. Deepak Kumar, learned Counsel further submitted that the case of the Petitioner does not come within the proviso of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 so as to deny his statutory right of bail and that on the fact as well only suspicion has been raised against him.

4. Having regard to the facts and circumstances of the case, the Petitioner Dhananjay Kumar Mahto @ Dhananjay Mahto is directed to be released on executing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of like amount each to the satisfaction of the Juvenile Justice Board," Seraikella Kharsawan in connection with Seraikella P.S. Case No. 33 of 2010, corresponding to G.R. No. 334 of 2010 with the conditions that the parents would be the bailers of the Petitioner, who would take care of him and produce him preferably in the 1st week of every month before the Juvenile Justice Board till the conclusion of the enquiry or on any other date in each month suggested by the J.J. Board.

5. This Criminal Revision is allowed.