
(2006) 03 JH CK 0087
In the Jharkhand High Court
Case No : Criminal Rev. No. 650 of 2005

Rakesh Kumar @ Sittu

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 02-03-2006

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 12
Penal Code, 1860 (IPC) — Section 307

Citation : (2006) CriLJ 2516 : (2006) 4 Crimes 262 : (2006) 2 JLJR 185 :
(2006) 2 JCR 130 : (2006) 3 CurCriR 460 : (2006) 41 AllIndCaS 865 : (2006) 2
AIRJharR 58

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : M.I. Khan, for the Appellant; APP, for the Respondent

Final Decision : Allowed

Judgement

R.R. Prasad, J.—Heard learned counsel appearing for the parties.

2. This revision application is directed against the order dated 5.7.2005 passed by the 4th Additional District and Session Judge, Palamau at Daltonganj in Criminal Appeal No. 58 of 2005, affirming the order dated 11.5.2005 passed by learned Additional Chief Judicial Magistrate, Palamau at Daltonganj, whereby and whereunder they refused to enlarge the petitioner on bail, who is an accused in connection with a case registered u/s 307 of the Indian Penal Code on the plea that if the petitioner is released on bail he may form his own association of criminal or will become associate of other criminal gangs,

3. Learned counsel appearing for the petitioner submits that the reason assigned by the appellate court could not be a valid ground for refusing the prayer for bail.

4. Keeping in view the submission as well as the reasons assigned by the Court below, provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 needs to be taken notice of where" grounds have been

enunciated on which prayer of the juvenile can be refused which are (i) the release is likely to bring him into association with any known criminals (ii) or expose him to moral physiological danger (iii) or that his release would defeat the ends of justice.

5. Here in the instant case there is nothing appears to be on the record, which prompted the learned Additional Sessions Judge to form an opinion that the petitioner if he is released on bail he may form his own association of criminal or will become associate of other criminal gangs and therefore the order passed by the Court below as well as appellate Court do not seem to be justified. Hence the order passed by both the Courts below are set aside.

6. Accordingly, the above-named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of trial Court/ ACJM, Palamau at Daltanganj in connection with Daltanganj Town PS Case No. 76 of 2005, corresponding to G.R. Case No. 276 of 2005, subject to undertaking given by his father that he will take care of the petitioner and will not allow him to indulge in any other criminal activities.

7. Thus, this application is allowed.