
(2002) 02 JH CK 0046
In the Jharkhand High Court
Case No : Criminal Rev. No. 471 of 2001

Sumit Kumar Yadav

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 27-02-2002

Acts Referred:

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

Citation : (2002) 02 JH CK 0046

Hon'ble Judges : Vikramaditya Prasad, J

Bench : Single Bench

Advocate : M.K. Sinha, G.S. Pd., Ajit Kr. and V.K. Gupta, for the Appellant; APP, for the Respondent

Judgement

Vikramaditya Prasad, J.—This revision has been filed u/s 53 of the Juvenile Justice (Care Protection of Children) Act, 2000, against the order of the Sessions Judge, Deoghar, passed in Cr. Appeal No. 112/2001 where by the learned Sessions Judge rejected the prayer for bail of this petitioner on the ground that if he was released on bail soon he is likely to come in association with well known and hardened criminals also, his release would thus expose his to moral danger at this tender age, his immediate release is also likely to defeat the ends of justice because he would be free from rigours of law immediately after he was found to have committed a daring criminal acts.

2. It appears that the learned Sessions Judge, while disposing of the bail application, was obsessed only with the nature of the offence and therefore, he used the words, "if released immediately" of "if released on the bail soon." Thus he means that immediate release will not be desirable, though he gives grounds that the accused will come in association of the hardened criminals and it would expose him to merely physical and psychological danger and also defeat the ends of justice. But for coming to this conclusion, he gives no reason. He does not say as to in association of which known criminal he will come. He has not even considered the past antecedent of the accused to come to this conclusion that he

will come in association of the hardened criminal. Similarly, the other two grounds for disallowing the bail application have also not been elaborated. If these grounds are allowed, then in every case where the juvenile is involved, the bail will be refused on these grounds. These grounds are, no doubt, provided in law for refusal of bail, but it does not mean that all these three grounds be mechanically written in the order for refusal of bail. While taking these grounds as weapons for refusal of bail, the Court should objectively consider as to whether, in fact any of the three grounds does really exist. That has not been done in this case. Consequently, the impugned order is against the spirit of law contained in the Juvenile Justice (Care & Protection of Children) Act.

3. In the result, the impugned order is set aside and the petitioner, Sumit Kumar Yadav, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties, one of the sureties must be his mother, of the like amount each to the satisfaction of the Chief Judicial Magistrate, Deoghar, in Deoghar P.S. Case No. 196/ 2001. G.R. Case No. 565/2001.