

(2011) 03 JH CK 0001

Jharkhand High Court

Case No: Criminal Rev. No. 1076 of 2010

Sanjay Kerketta

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision: March 3, 2011

Acts Referred:

- Arms Act, 1959 - Section 12, 27
- Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 53
- Penal Code, 1860 (IPC) - Section 307, 353, 393

Hon'ble Judges: Dilip kumar sinha, J

Bench: Single Bench

Final Decision: Allowed

Judgement

D.K. Sinha, J.

The instant criminal revision has been preferred by the Petitioner juvenile u/s 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 against the judgment passed by the Sessions Judge, Simdega in Criminal Appeal No. 04/2010 by which the prayer for bail of the Petitioner refused by the Juvenile Justice Board, Simdega was affirmed and bail was dismissed.

2. The Petitioner is in remand home since 25.01.2010 after he was declared juvenile in the alleged offence u/s 393/353/307 of the Indian penal code and also u/s 27 of the Arms Act.

3. Learned Counsel Mr. Tiwari submits at the outset that there is no legal evidence against the Petitioner juvenile except the confessional statement without discovery of relevant fact. His prayer was refused by the Juvenile Justice Board at the report of the probation officer in which it is stated that the Petitioner Sanjay Kerketta has been associated with the bad company. Similar view has also been taken by the Sessions Judge, Simdega who observed that release of the Petitioner was likely to bring him in association with any known criminal or expose him morally, physically

and psychologically. Learned Sessions Judge failed to explain any cogent ground for refusal of bail except reproducing the exception clause of Section 12 of the Act.

4. In the facts and circumstances this criminal revision is allowed and the order impugned recorded by the Sessions Judge, Simdega in Criminal Appeal No. 04/2010 is set aside.

5. The Petitioner Sanjay Kerketta 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, Simdega in Kalebira P.S. Case No. 51/09, corresponding to G.R. No. 03/10 (E.R. No. 45/10) S.T. No 82/10 with the conditions that the parents would be the bailers of the Petitioner who would take care of him and produce as and when required by the Juvenile Justice Board, Simdega preferably in the first week of every month during the course of enquiry or on the date suggested by the Juvenile Justice Board in each month failing to which the Board would be at liberty to pass appropriate order against the Petitioner.