

(2012) 01 JH CK 0031

Jharkhand High Court

Case No: Criminal Rev. No. 461 of 2011

Niraj Thakur @ Niraj Kumar
Thakur

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision: Jan. 24, 2012

Acts Referred:

- Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 12
- Penal Code, 1860 (IPC) - Section 34, 366A, 376

Citation: (2012) 2 JCR 110

Hon'ble Judges: Rakesh Ranjan Prasad, J

Bench: Single Bench

Advocate: J.S. Tripathy, for the Appellant;

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

R.R. Prasad, J.

Heard learned counsel appearing for the petitioner. This criminal revision application is directed against the judgment dated 20.11.2010 passed by learned Sessions Judge, Garhwa, in Cr. Appeal No. 50 of 2010, affirming the order dated 11.10.2010 passed by Juvenile Justice Board, Garhwa in Manjhiaon P.S. Case No. 34 of 2010, corresponding to G.R. No. 574 of 2010 wherein Juvenile Justice Board, Garhwa rejected the prayer for bail of the petitioner.

2. On an allegation that this petitioner alongwith other co-accused, kidnapped the minor daughter of the informant for the purpose of marrying her, lodged a case which was registered as Manjhiaon P.S. Case No. 34 of 2010 u/s 366A of the Indian Penal Code. Subsequently, charge sheet was submitted against this petitioner as well as two other accused, namely, Vikash Yadav and Tapeswar Yadav u/s 376/34 of the Indian Penal Code.

3. Since the petitioner was found juvenile, an application was filed before Juvenile Justice Board, Garhwa for release of the petitioner on bail, but that was rejected and thereafter an appeal being Cr. Appeal No. 50 of 2010 was preferred before the learned Sessions Judge, Garhwa, which was rejected, after holding that the release of the petitioner would be detrimental to the interest of the society and the release would put him in association of such type of person to commit the offence, but that finding recorded by the appellate Court does not seem to have been based on any materials rather it seems to be conjecture and surmises on the part of the Court whereas Juvenile Justice Board, Garhwa, while rejecting the prayer for bail, has not assigned any reason in terms of the proviso of Section 12 of the Juvenile Justice (Care and Protection of Children) Act and, therefore, both the orders are fit to be set aside.

4. Accordingly, both the orders dated 11.10.2010 and 20.11.2010 passed by Juvenile Justice Board, Garhwa and learned Sessions Judge, Garhwa in Manjhiaon P.S. Case No. 34 of 2010, corresponding to G.R. No. 574 of 2010 and Cr. Appeal No. 50 of 2010 respectively, are hereby set aside.

5. Consequently, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Garhwa, in connection with Manjhiaon P.S. Case No. 34 of 2010, corresponding to G.R. No. 574 of 2010, on giving undertaking by the father of the petitioner that the petitioner would not be allowed to come in association with the criminal. Thus, this application stands allowed.