

(2011) 02 JH CK 0036

Jharkhand High Court

Case No: Criminal Revision No. 1120 of 2010

Lalchand Yadav @ Dalchandra
Yadav

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision: Feb. 15, 2011

Acts Referred:

- Criminal Law (Amendment) Act, 1932 - Section 17
- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 12, 53
- Penal Code, 1860 (IPC) - Section 323, 34, 341, 386, 504

Citation: (2011) 2 JCR 277

Hon'ble Judges: Dilip kumar sinha, J

Bench: Single Bench

Final Decision: Allowed

Judgement

D.K. Sinha, J.

This Criminal Revision filed u/s 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 is directed against the order impugned dated 19.11.2010 passed by Sessions Judge, Garhwa in Cr. Appeal No. 48 of 2010 by which the prayer for bail of the Petitioner (juvenile), which was rejected by the Juvenile Justice Board, Garhwa on 21.09.2010 in Ranka P.S. Case No. 32 of 2010 for the alleged offence under Sections 341/323/504/506/386/34 of the Indian Penal Code as also u/s 17 of the Criminal Law Amendment Act, was affirmed and the appeal was dismissed.

2. Learned Counsel appearing on behalf of the Petitioner submitted that all the sections except Section 386 I.P.C. were bailable in nature and no overt act was attributed against the Petitioner in such alleged demand of extortion money. His name was simply given in the F.I.R. without his participation whatsoever in the alleged crime.

3. The learned Juvenile Justice Board, Garhwa, rejected the prayer of the Petitioner on the ground that his prayer was earlier rejected by Sessions Judge u/s 439 Code of Criminal Procedure and that, his release would bring him into associations with known criminals or expose him to moral, physical or psychological danger or his release would defeat the ends of justice. Without explaining these all grounds, the Sessions Judge, Garhwa refused the bail of the Petitioner almost on the similar ground simply by copying the "exception clause", as contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

4. I find that both the courts below misconceived the provisions of law, as contained in Section 12 of the Act and only by copying without giving reasoning, dismissed the prayer for bail of the Petitioner, who is in Remand Home since 19.06.2010.

5. Learned Counsel further submits that as per the instructions received, no criminal antecedent has been reported against the Petitioner.

6. In the facts and circumstances, the Petitioner Lalchand Yadav @ Dalchandra Yadav is directed to be released on bail during pendency of this Criminal Revision, on executing bail bond of Rs. 10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Garhwa, in G.R. No. 462 of 2010 arising out of Ranka P.S. Case No. 32 of 2010, with the conditions that the parents should be the bailers of the Petitioner, who would take care of him and produce the Petitioner preferably in the 1st week of each month before the Juvenile Justice Board, till the conclusion of the enquiry.

7. This Criminal Revision is accordingly allowed.