

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 260 of 2011

Nitin Kumar
S/o Rakesh Kumar
Through Mother/Guardian Smt. Kamlesh
W/o Rakesh Kumar, R/o Village Khedajat
P.S. Manglaur, District Hardwar

.....Revisionist

Versus

State of Uttarakhand

.....Respondent

Mrs. Pushpa Joshi, Senior Advocate, assisted by Mr. Amit Kapri and
Mr. Deep Joshi, Advocates, present for the Revisionist.
Mr. B.S. Parihar, Brief Holder, present for the State.
Mr. Manish Arora, Advocate, present for the complainant.

Hon'ble Prafulla C. Pant, J.

Heard.

2. This revision is directed against the judgment and order dated 22.09.2011, passed by Sessions Judge, Hardwar, in Criminal Appeal No. 139 of 2011, whereby said court has dismissed the appeal, and affirmed the order dated 25.07.2011, passed by Juvenile Justice Board, Hardwar, declining to grant bail to the present revisionist.

3. Learned counsel for the revisionist submitted that from the First Information Report itself reveals that while playing cricket a quarrel picked up among the some boys. It is pointed out that one Ankit is said to have fired the shot at the deceased. The post-mortem report discloses only one gun shot injury out of the six injuries suffered by the deceased.

4. Co-accused Rakesh Kumar and Isham Singh have already been directed to be released on bail by this Court.

5. Learned counsel for the complainant submitted that since criminal cases are registered against father and uncle of the present revisionist as such, the rejection of the bail by the courts below is justified.

6. However, considering the facts and circumstances of the case, and after going through the papers on record, this Court is of the view that revisionist who is juvenile (declared by Juvenile Justice Board) should not be kept detained.

7. Therefore, the revision is allowed. It is directed that the revisionist Nitin Kumar shall be released on bail on executing personal bond by his guardian and furnishing two sureties to the satisfaction of Juvenile Justice Board, Hardwar.

(Prafulla C. Pant, J.)

31.10.2011

Parul