

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 1074 of 2022

Sanjay Kisku Petitioner

Versus

The State of Jharkhand Opp. Party

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. K.K. Ojha, Advocate

For the State : Mrs. Kumari Rashmi, APP

09/Dated:03rd April, 2025

I.A. No.3247 of 2025

This Criminal Revision Application has been filed on behalf of the petitioner challenging the judgment dated 21.07.2022 passed by Sri Rakesh Kumar, learned Additional Sessions Judge-I, Pakur in Cr. Appeal No.17 of 2015 by which the appeal filed on behalf of the petitioner has been dismissed thereby affirming the final judgment of conviction and order of sentence dated 21.05.2015 passed by Sri Durgesh C. Awasthi, learned Principal Magistrate, & Members of Juvenile Justice Board, Pakur in G.R. Case No.307 of 2011 (T.R. No.04 of 2015) by which the petitioner has been held guilty for the offence under Section 302 of the IPC and sentenced for a period of three years and was sent to the Special Home, Dhanbad for his detention.

Although the learned Court below has acquitted the Juvenile petitioner for the offence under section 201 of IPC.

2. I.A. No.3247 of 2025 has been filed on behalf of the petitioner for suspension of sentence and for grant of bail to the petitioner, during pendency of the present Criminal Revision Application.

3. Heard Mr. K.K. Ojha, learned counsel for the petitioner, Mrs. Kumari Rashmi, learned APP for the State.

4. Learned counsel for the petitioner submitted that the impugned judgment dated 21.07.2022 passed by Sri Rakesh Kumar, learned Additional Sessions Judge-I, Pakur in Cr. Appeal No.17 of 2015 and the judgment of conviction and order of sentence dated 21.05.2015 passed by Sri Durgesh C. Awasthi, then learned Principal Magistrate, & Members of Juvenile Justice Board, Pakur are illegal, arbitrary and not sustainable in the eye of law. It is submitted that there is general and omnibus allegation against the petitioner for committing the death of the deceased-Karnelius Hansda. It is submitted that two other persons namely, Chigra Hansda and Daroga Hembrom, who were named in the F.I.R, have already been acquitted vide judgment dated 09.06.2014 passed by the learned Principal Sessions Judge, Pakur which and has been enclosed as Annexure-3 to the instant Interlocutory Application.

5. It is submitted that the petitioner has remained in custody earlier from 27.05.2011 to 21.01.2012 i.e. for a period of 7 months and 24 days and he further remained in custody from 18.07.2014 to 20.08.2014 i.e. for more than one month. It is further submitted that the petitioner is in custody since 05.10.2023 and he has surrendered before the learned Court below after dismissal of Cr. Appeal No.17 of 2015. It is submitted that the petitioner may be enlarged on bail on the ground of parity to other co-accused namely, Chigra Hansda and Daroga Hembrom and hence he may be enlarged on bail.

6. On the other hand, learned APP has opposed the prayer for bail. It is submitted that the appellant is named in the F.I.R for committing the murder of deceased-Karnelius Hansda along

with other persons namely, Chigra Hansda and Daroga Hembrom. It is further submitted that P.W-4-Sri Devi Marandi is the star witness and she has supported the allegation against the Juvenile petitioner for committing the murder of the deceased-Karnelius Hansda and hence the prayer for bail may be rejected.

7. Perused the records of this case.

8. It transpires that F.I.R was lodged against the petitioner-Sanjay Kisku and three others namely, David Hembrom, Chigra Hansda and Daroga Hembrom.

9. It would appear that informant has named the petitioner on the basis of statement of one Sri Devi Marandi, who is said to have taken bath in the river with the deceased- Karnelius Hansda on the date of occurrence and the informant does not appear to be an eye witness. It is alleged that the petitioner and other accused persons used to forbade the deceased from maintaining the relationship with the said Sri Devi Marandi.

10. It appears that two persons namely Chigra Hansda and Daroga Hembrom have been acquitted by the learned Principal Sessions Judge, Pakur in Sessions Case No.281 of 2011.

11. Although from the judgment of the learned Principal Sessions Judge, Pakur passed in Sessions Case No.281 of 2011 it reveals that the witness Sri Devi was not examined before the Trial Court and in the present case she has been examined as P.W-4 before the learned Principal Sessions Judge, Pakur, Juvenile Justice Board.

12. It appears that the petitioner is in custody since 05.10.2023 after dismissal of the Criminal Appeal.

13. Considering the fact that two persons have been acquitted by the learned Principal Sessions Judge, Pakur in Sessions Case

No.281 of 2011 and also considering the custody of the petitioner, the petitioner namely, Sanjay Kisku is directed to be released on bail, on furnishing bail bonds of Rs.20,000/- (Twenty thousand only) with two sureties of the like amount each, to the satisfaction of Sri Durgesh C. Awasthi, learned Principal Magistrate, & Members of Juvenile Justice Board, Pakur in G.R. Case No.307 of 2011 (T.R. No.04 of 2015)/ or his Successor Court.

14. Thus, I.A. No.3247 of 2025 is allowed and stands disposed of.

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15. Put up this case in the year 2026 'For Hearing' as per roster.

(Sanjay Prasad, J.)