

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 98 of 2015

Arising out of P.S. Case No. -36 Year- 2014 Thana -Konch
District- GAYA

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Shailesh Kumar S/o Bishram Yadav Resident of vill-Nehora, P.S-
Konch, Distt.-Gaya under the Guardianship of his Father Bishram
Yadav.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Respondent/s : Mr. Jitendra Kumar Singh No. 1, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

The present Criminal Revision Application is directed against the order dated 23.12.2014 passed by the Sessions Judge, Gaya in Cr. Appeal (Juvenile) No. 93 of 2014 affirming the order dated 20.11.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Gaya in Konch P.S. Case No. 36 of 2014 (G.R. No. 1123 of 2014) registered under Sections 376/511 of the Indian Penal Code whereby prayer for bail of the Petitioner has been rejected.

It has been submitted that the Petitioner is named in the First Information Report and the allegation is of having attempted to commit rape and that it was mentioned therein that the Petitioner was juvenile. The

specific assertion is that the Petitioner has no criminal antecedents and his father undertakes his responsibility.

Considering such aspects of the matter, the order dated 23.12.2014 passed by the Sessions Judge, Gaya in Cr. Appeal (Juvenile) No. 93 of 2014 affirming the order dated 20.11.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Gaya in Konch P.S. Case No. 36 of 2014 (G.R. No. 1123 of 2014) is, hereby, set aside.

Accordingly, this application is allowed.

Let the Petitioner, above named be released on bail on furnishing bail bonds of Rs. 5,000/- (Five Thousand) each with two sureties of the like amount each or any other surety as fixed by the Court to the satisfaction of Principal Magistrate, Juvenile Justice Board, Gaya in connection with Konch P.S. Case No. 36 of 2014 (G.R. No. 1123 of 2014) subject to the following conditions:- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioners and the other bailor shall be the father of the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is he shall not be



released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

Vikash/-

(Anjana Prakash, J.)

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