

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.253 of 2015

Arising Out of PS.Case No. -327 Year- 2014 Thana -null District-
EASTCHAMPARAN(MOTIHARI)

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1. Chhotu Kumar @ Abhishek Kumar @ Chotu Kumar son of Shatrughan Singh,
resident of village- Patkhaulia, P.S.- Chiraiya, District- East Champaran At present-
Mission Chowk, Motihari, P.S.- Muffasil under the guardianship of his father
Shatrughan Singh

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-08-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the
judgment dated 27.2.2015 passed by the Sessions Judge, East
Champaran, Motihari in Criminal Appeal (Juvenile) No.15 of 2015,
by which he has affirmed the order dated 21.1.2015 passed by the
Juvenile Justice Board, Motihari, East Champaran in Trial No.948 of
2014 arising out of Muffasil P.S. case No.327 of 2014 (G.R. No.4855
of 2014), by which he has refused to release the Petitioner.

Considering that the Petitioner's father undertakes
responsibility of the Petitioner and he has been implicated in the case
on the basis of confessional statement, let the petitioner above named,



be released on furnishing bond of Rs. 5,000/-(Five thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Motihari, East Champaran in connection with Trial No.948 of 2014 arising out of Muffasil P.S. case No.327 of 2014 (G.R. No.4855 of 2014), subject to the conditions (i) That one of the bailor shall be the father of the Petitioner and the other bailor will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the Court about any change in address of the petitioner. (ii) 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 ground of misuse, (iii) 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 bond will be liable to be cancelled for reasons of misuse, (iv) That the petitioner will be well represented on each date if he fails to do so on two consecutive dates, his bond will be liable to be cancelled.

Learned Counsel for the petitioner submits that the petitioner has been implicated repeatedly at the instance of the local



police who is hostile to the petitioner and seeks protection of a person well reputed doing social service in the area. Under the circumstances, the petitioner is directed to appear before the Head Priest of Jai Jagdamba Temple, Motihari within fifteen days of his release and file a certificate about the same in the Court. On filing of the certificate the petitioner will be released provisionally for a period of six months. In case, the petitioner does not file a certificate about his reporting to the Head Priest within two weeks of his release from jail custody, he shall be noticed for cancellation of release. During six months the petitioner is expected to engage himself in fruitful activities under the guidance of the Head Priest, Jai Jagdamba Temple, Motihari and at the end of six months he will file a certificate of his conduct in the court below issued by the Head Priest. If the certificate granted to the petitioner is found satisfactory, the court below will confirm the provisional release of the petitioner and in case it is not, the petitioner will be taken into custody.

Accordingly, the revision application is allowed and the judgment dated 27.2.2015 passed by the Sessions Judge, East Champaran, Motihari in Criminal Appeal (Juvenile) No.15 of 2015 as also the order dated 21.1.2015 passed by the Juvenile Justice Board, Motihari, East Champaran in Trial No.948 of 2014 arising out of

Muffasil P.S. case No.327 of 2014 (G.R. No.4855 of 2014) is, hereby,
set aside.

(Anjana Prakash, J)

Narendra/-

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