

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.341 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

1. Dilsaj Alam @ Dilshad Alam @ Bidio Mian, Son of Sk. Najarul, under guardianship of his father, Resident of Village- Dhamaura, P.S Sathi, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastava, Adv.

For the State : Mr. B.N. Pandey, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-09-2015

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 19.3.2015 passed by the Sessions Judge, West Champaran, at Bettiah, in Criminal Appeal No. 10 of 2015, by which he has affirmed the order dated 23.2.2015 passed by the Juvenile Justice Board, West Champaran at Bettiah, in Sathi P.S. Case No. 17 of 2015 (J.J.B. Trial No. 387 of 2015), by which he has refused to release the Petitioner.

Considering the undertaking of the father of the Petitioner and his fair antecedent, 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 Juvenile Justice



Board, West Champaran, Bettiah, in connection with J.J. Board Tr. Case No. 387 of 20915 arising out of Sathi P.S. Case No. 17 of 2015 subject to the 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 Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (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.

In the nature of case, the petitioner is directed to appear before the Pesh-Imam of any local mosque situated at Bettiah at West Champaran, within fifteen days of his release from jail custody on

provisional bail for a period of six months and file a certificate about the same in the court within the stipulated time. In case, the petitioner fails to file certificate about reporting to the Head Priest within two weeks of his release from jail custody, notice shall be sent to him for cancellation of release. During the period of six months, the petitioner is expected to engage himself in fruitful activities under the guidance of the Pesh Imam, and at the end of the six months, the petitioner will be required to file a certificate of his conduct in the court below granted by the Head Priest. If the certificate granted to the petitioner is found satisfactory, the court below will confirm the provisional release granted to the petitioner or else will issue notice for cancellation of release.

Accordingly, the revision application is allowed and the Judgment and order dated 19.3.2015 passed by the Sessions Judge, West Champaran, Bettiah, in Cr. Appeal No. 10 of 2015 as also order dated 23.2.2015 passed by the Juvenile Justice Board, Bettiah, West Champaran, is hereby, set aside.

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(Anjana Prakash, J)

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