

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.475 of 2015

Arising Out of PS.Case No.173 Year- 2015 Thana Nawada (Town) District- NAWADA

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Md. Shadab @ Md. Sahanshah Khan, s/o Md. Sahib Khan, r/o Vill- Faizul Bari
Raod Bhadauni, P.S.- Nawada, Ditt.- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. M.K. Agrawal, Sr. Adv.

For the State : Mr. Dilip Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-11-2015

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 8.6.2015 passed by the Sessions Judge, Nawada, in Cr. Appeal (Juvenile) No. 15 of 2015, by which he has affirmed the order dated 22.4.2015 passed by the Principal Magistrate, J.J. Board, Nawada, in Nawada (Town) P.S. Case No. 173 of 2015, G.R. No. 719 of 2015, Tr. No. 263 of 2015, by which he has refused to release the Petitioner.

Considering that the Petitioner's father undertakes his responsibility, 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 Principal Magistrate, J.J.



Board, Nawada, in connection with Nawada (Town) P.S. Case No. 173 of 2015, G.R. No. 719 of 2015, Tr. No. 263 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 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 release on the 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 release will be liable to be cancelled for reasons of misuse. (iv) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his release will be liable to be cancelled.

In view of the nature of accusation, the petitioner is directed to appear before the Imam of any local Mosque situated at Nawada, 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

granted provisional bail for a period of six months. In case, the petitioner does not file a certificate about his reporting to the Imam within two weeks of his release from jail custody, he shall be noticed cancellation of bail. During six months the petitioner is expected to engage himself in fruitful activities under the guidance of the Imam of any local mosque situated at Nawada, and at the end of the six months, he will file a certificate of his conduct in the court below issued by the Imam. If the certificate granted to the petitioner is found satisfactory, the court below will confirm the provisional bail granted to the petitioner and in case it is not, the petitioner will be taken in custody.

Accordingly, the revision application is allowed and the Judgment and order dated 8.6.2015 passed by the Sessions Judge, Nawada, in Cr. Appeal (Juvenile) No. 15 of 2015, and the order dated 22.4.2015 passed by the Principal Magistrate, J.J. Board, Nawada, in Nawada (Town) P.S. Case No. 173 of 2015, G.R. No. 719 of 2015, Tr. No. 263 of 2015, are hereby, set aside.

(Anjana Prakash, J)

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