

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.562 of 2015

Arising Out of Sitamarhi PS.Case No.811 Year- 2013 District- SITAMARHI

Kari Kumar @ Ravindra Kumar, son of Bikau Das, resident of village Pamra P.S. Sitamarhi, Distt. Sitamarhi, under guardianship of his father namely, Bikau Das, son of late Tirpit Das, resident of village Pamra P.S. Sitamarhi, Distt. Sitamarhi,

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the State : Mr. Aditya Narayan Singh 1, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-08-2015

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 24.6.2015 passed by the 1st Additional Sessions Judge, Sitamarhi, in Cr. Appeal No. 39 of 2015, by which he has affirmed the order dated 26.5.2015 passed by the Juvenile Justice Board, Sitamarhi, in J.J.B. Case No. 1262 of 2015, arising out of Sitamarhi P.S. Case No. 811 of 2013 by which he has refused to release the Petitioner.

Considering that the Petitioner's brother 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 Juvenile Justice Board, Sitamarhi, in connection with J.J.B. Case No. 1262 of 2015 arising

out of Sitamarhi P.S. Case No. 811 of 2013 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 and the other shall be the brother of the Petitioner namely, Chhote Das. 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.

Accordingly, the revision application is allowed and the Judgment and order dated 24.6.2015 passed by the 1st Additional Sessions Judge, Sitamarhi, in Cr. Appeal No. 39 of 2015, as also the

order dated 26.5.2015 passed by the Juvenile Justice Board,
Sitamarhi, in J.J.B. Case No. 1262 of 2015, arising out of Sitamarhi
P.S. Case No. 811 of 2013 is hereby set aside.

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(Anjana Prakash, J)