

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.628 of 2015

Arising Out of PS.Case No. -4 Year- null Thana -2015 District- EASTCHAMPARAN(MOTIHARI)

1. Dhananjay Kumar @ Dhananjay Rai son of Late Yado Lal Rai, R/o village- Lahi, P.S.- Madhuban, District- East Champaran under the Guardianship of his mother Kaushalya Devi wife of Late Yado Lal Rai, R/o village- Lahi, P.S.- Madhuban, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Respondent/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-10-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment dated 23.6.2015 passed by the Additional Sessions Judge IX, East Champaran in Criminal Appeal No.49 of 2015 (C.S. No.104 of 2015), by which he has affirmed the order dated 20.4.2015 passed by the Principal Magistrate, Juvenile Justice Board, Motihari in Madhuwan P.S. case No.4 of 2015 (Trial No.799 of 2015), by which he has refused to release the Petitioner.

Considering that the Petitioner has not been named in the statement of the alleged victim recorded under Section 164 Cr.P.C. and the Petitioner has fair antecedents, 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 Principal Magistrate, Juvenile Justice Board, Motihari in connection with Madhuwan P.S. case No.4 of 2015 (Trial No.799 of 2015), subject to the conditions (i) That one of the bailor shall be the mother 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 affidavit shall clearly state that the petitioner is not an accused in any other case and if he is he shall not be released, (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 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 bond will be liable to be cancelled for reasons of misuse, (v) 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.

Accordingly, the revision application is allowed and the judgment dated 23.6.2015 passed by the Additional Sessions Judge IX, East Champaran in Criminal Appeal No.49 of 2015 (C.S. No.104 of 2015) as also the order dated 20.4.2015 passed by the Principal Magistrate, Juvenile Justice Board, Motihari in Madhuwan P.S. case No.4 of 2015 (Trial No.799 of 2015) is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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