

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 853 of 2015

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Mukesh Kumar Son of Chandeshwar Yadav @ Kaile yadav
through guardianship of his father namely Chandeshwar
Yadav Resident of Village - Perasdih, P.S.- Fesar, District –
Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Adv.

For the Respondent/s: Mr. Gulnar Begum (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 09.11.2015

Heard learned counsel for the Petitioner and the
State.

This Revision Application has been filed for
setting aside the judgment and order dated 29.09.2015
passed by the 1st Additional Sessions Judge, Aurangabad
in Cr. (Juvenile) Appeal No. 38 of 2015/04 of 2015, by
which he has affirmed the order dated 06.06.2015 passed
by the Principal Magistrate, Juvenile Justice Board,
Aurangabad in Mahila P.S. Case No. 7 of 2015 (G.R. No.
13 of 2015, Tr. No. 840 of 2015), by which he has refused
to release the Petitioner.

Considering the statement of the alleged victim
recorded under Section 164 Cr.P.C. and that the
Petitioner has fair antecedents and his 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 or any other surety as fixed by the Court to the satisfaction of Principal Magistrate, Juvenile Justice Board, Aurangabad in Mahila P.S. Case No. 7 of 2015 (G.R. No. 13 of 2015, Tr. No. 840 of 2015) subject to the following 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 bailor shall be the father of 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. (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 release 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 release 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 release will be liable to be cancelled.

Accordingly, the Revision Application is allowed and the judgment and order dated 29.09.2015 passed by the 1st Additional Sessions Judge, Aurangabad in Cr. (Juvenile) Appeal No. 38 of 2015/04 of 2015 as also order dated 06.06.2015 passed by the Principal Magistrate, Juvenile Justice Board, Aurangabad in Mahila P.S. Case No. 7 of 2015 (G.R. No. 13 of 2015, Tr. No. 840 of 2015) is, hereby, set aside.

(Anjana Prakash, J.)

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