

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 23 of 2015

Arising out of P.S. Case No. -69 Year- 2014 Thana –
Chanpatia District- WESTCHAMPARAN(BETTIAH)

- =====
1. Satyam Kumar @ Satyam Rai @ Ashutosh Kumar Son of Umesh Rai.
 2. Sonu Kumar @ Sonu Kumar Rai Son of Uma Shankar Rai Both resident of Villge - Pipara, P.S- Chanpatia, District - West Champaran. 60th through Umesh Rai and Uma Shankar Rai Who are father of natural Guardianh of the Petitioners, respectively both sons of Sri Chandrashekhar Rai Resident of Village - Pipara, P.S- Chanpatia, Distt- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ajay Rai Son of Late Fulena Rai Resident of Village - Pipra P.S Chanpatia, Distt- West Champaran.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Navin Kumar Pandey, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

Supplementary-Affidavit has been filed stating therein that the Petitioner No. 2, Sonu Kumar @ Sonu Kumar Rai has to appear in the Matriculation Examination to be held shortly.

The present Criminal Revision Application is directed against the judgment dated 28.11.2014 passed by the Sessions Judge, West Champaran at Bettiah in Cr. Appeal Nos. 74 of 2014 and 83 of 2014 affirming the orders dated 10.10.2014 and 15.11.2014 passed by learned Principal Magistrate, Juvenile Justice Board, West Champaran at Bettiah in Chanpatia P.S. Case No. 69 of 2014 (J.J. Board Case No. 501 of 2014) registered under

Sections 302 and 201/34 of the Indian Penal Code whereby prayer for bail of the Petitioners has been rejected.

The submission of the Petitioners is that they are not named in the First Information Report and they have been implicated merely on suspicion but there is no direct material against them as also their father undertakes their responsibility. The specific assertion is that the Petitioners have fair antecedents.

Considering such aspects of the matter, the judgment dated 28.11.2014 passed by the Sessions Judge, West Champaran at Bettiah in Cr. Appeal Nos. 74 of 2014 and 83 of 2014 affirming the orders dated 10.10.2014 and 15.11.2014 passed by learned Principal Magistrate, Juvenile Justice Board, West Champaran at Bettiah in Chanpatia P.S. Case No. 69 of 2014 (J.J. Board Case No. 501 of 2014) is, hereby, set aside.

Accordingly, this application is allowed.

Let the Petitioners, above named be released on bail on furnishing bail bonds of Rs. 5,000/- (Five Thousand) each 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, West Champaran at Bettiah in connection with Chanpatia P.S. Case No. 69 of 2014 (J.J. Board Case No. 501 of 2014) subject to the following conditions:- (i) That





one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners and the other bailor shall be the father of the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners. (ii) That the affidavit shall clearly state that the Petitioners are not an accused in any other case and if they are they shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioners are implicated in any other case of similar nature after their 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 Petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Anjana Prakash, J.)

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