

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.66 of 2015

Arising Out of PS.Case No. -89 Year- 2014 Thana -Chhatauni District-
EASTCHAMPARAN(MOTIHARI)

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1. Ravi Prakash Son of Mahesh Prasad Kushwaha, under the guardianship of Mahesh Pd. Kushwaha, the father, resident of village - Pipra, P.S. - Darpa, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad, Advocate

For the Respondent/s : Dr. M.K. Gautam, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-03-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment and order dated 9.12.2014 passed by the Sessions Judge, East Champaran, Motihari in Criminal Appeal (Juvenile) No.113 of 2014/ 177 of 2014, by which he has affirmed the order dated 12.11.2014 passed by the Juvenile Justice Board, Motihari in Chhatauni P.S. case No.89 of 2014, by which he has refused to release the Petitioner.

The petitioner seeks release in Chhatauni P.S. case No.89 of 2014 on the ground that apart from confessional statement of the co-accused there is no other material against him. Also his cousin brother

Prem Kumar undertakes his responsibility.

Considering the aforesaid facts, 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 Juvenile Justice Board, East Champaran, Motihari in connection with Chhatauni P.S. case No.89 of 2014, subject to the conditions (i) That one of the bailor shall be Prem Kumar, cousin brother 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 and order dated 9.12.2014 passed by the Sessions Judge, East Champaran, Motihari in Criminal Appeal (Juvenile) No.113 of 2014/ 177 of 2014 as also the order dated 12.11.2014 passed by the Juvenile Justice Board, Motihari in Chhatauni P.S. case No.89 of 2014 is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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