

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.34 of 2015

Arising Out of PS.Case No. -18 Year- 2009 Thana -Paroo District- MUZAFFARPUR

1. Santosh Kumar @ Santosh Ram Son of Bilas Ram, under the guardianship of his mother Lalita Devi, Resident of village - Chaturpatti, P.S. Paroo, Distt. - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Respondent/s : Mr. C. Jawahar, APP

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 order dated 20.11.2014 passed by the 9th Additional Sessions Judge, Muzaffarpur in Criminal Appeal No.68 of 2014, by which he has affirmed the order dated 3.8.2014 passed by the Juvenile Justice Board, Muzaffarpur in Paroo P.S. case No.18 of 2009, by which he has refused to release the Petitioner.

The petitioner seeks release in Paroo P.S. case No.18 of 2009 on the ground that apart from confessional statement of the co-accused there is no cogent material against him. Also the Petitioner's mother undertakes his responsibility. The further submission is that there is no danger of being mingling with anti social elements.



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, Muzaffarpur in connection with Paroo P.S. Case No.18 of 2009, 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.

The enquiry be concluded expeditiously without granting unnecessary adjournments to any party.

Accordingly, the revision application is allowed and the order dated 20.11.2014 passed by the 9th Additional Sessions Judge, Muzaffarpur in Criminal Appeal No.68 of 2014 as also the order dated 3.8.2014 passed by the Juvenile Justice Board, Muzaffarpur in Paroo P.S. case No.18 of 2009 is, hereby, set aside.

(Anjana Prakash, J)

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