

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.689 of 2014

=====

Ajay Kumar, Son of Late Mehi Lal Rajak, Resident of Village- Mithlook Colony, Pandey Patti, Buxar, Police Station- Buxar Mufassil in the District of Buxar through his mother namely Smt. Reshmi Devi, wife of late Mehi lal Rajare, resident of village Mithlook Colony, Pandey Patti, Buxar, P.S. Buxar Muffasil, Distt. Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Adv.

For the Respondent/s : Mr. Suresh Pd. Singh (APP)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-03-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment and order dated 31st May, 2014 by which the Sessions Judge, Buxar, in Criminal Appeal (JJB) No. 19 of 2014 has refused bail in Buxar Town P.S. Case No. 52 of 2014.

No doubt there is a direct allegation against the Petitioner of having committed the murder of the deceased but the submission is that the Petitioner's elder brother Sunil Kumar undertakes his responsibility and will ensure that there will be no chance of the Petitioner being involved with anti social elements.

Considering such personal undertaking of the brother of the Petitioner, let the petitioner above named, be released on bail on



furnishing bail bond of Rs.5,000/-(Five thousand) with two sureties of the like amount each or any other surety to be fixed by the court concerned to the satisfaction of Juvenile Justice Board, Buxar, in connection with Buxar Town P.S. Case No. 52 of 2014, (JJB No. 522 of 2014) subject to the 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 shall be the elder brother of the Petitioner namely, Sunil Kumar. 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 on bail. (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 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 bail 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 bail will be liable to be

cancelled.

Accordingly, the application is allowed and the order dated 31st May, 2014 passed by the Sessions Judge, Buxar, in Cr. Appeal (JJB) No. 19 of 2014 arising out of Buxar Town P.S. Case No. 52 of 2014 is hereby set aside.

Let the enquiry be concluded expeditiously without granting unnecessary adjournment to any Party.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--