

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.793 of 2015

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Birju Kumar @ Saurav Kumar son of Sri Nagendra Singh, resident of village Dubhal, P.S. Magadh Medical, District- Gaya through his natural guardian his father Sri Nagendra Singh

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Adv.

For the State : Ms. Asha Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-10-2015

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 1.9.2015 passed in Criminal (Juvenile) Appeal No. 13 of 2015/37 of 2015 by the 6th Additional Sessions Judge, Gaya, by which he has affirmed the order dated 31.7.2015 passed by the Juvenile Justice Board, Gaya, in Vishnupad P.S. Case No. 21 of 2015, by which he has refused to release the Petitioner.

Considering the merit of the case, 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 Juvenile Justice Board, Gaya, in connection with Vishnupad P.S. Case No. 21 of 2015 (J.J.B. Gaya (M) 66 of 2015), 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. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) 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. (iii) 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. (iv) 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 1.9.2015 passed in Criminal (Juvenile) Appeal No. 13 of 2015/37 of 2015 by the 6th Additional Sessions Judge, Gaya, and the order dated 31.7.2015 passed by the Juvenile Justice Board, Gaya, in Vishnupad P.S. Case No. 21 of 2015, are hereby, set aside.

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(Anjana Prakash, J)

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