

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.136 of 2015

Arising Out of PS.Case No. -42 Year- 2014 Thana -null District- GOPALGANJ

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1. Niraj Kumar Singh @ Niraj Singh S/o Sharma Singh, Village Kakarkund, P.S. + District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Advocate

For the Respondent/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-04-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment dated 12.12.2014 passed by the 5th Additional Sessions Judge, Gopalganj in J.J. Criminal Appeal No.48 of 2014, by which he has affirmed the order dated 11.8.2014 passed by the Principal Magistrate, Juvenile Justice Board, Gopalganj in Kuchaikote P.S. case No.42 of 2014, G.R. No.511 of 2014 (Juvenile Enquiry No.237 of 2014), by which he has refused to release the Petitioner.

The petitioner seeks release in Kuchaikote P.S. case No.42 of 2014, G.R. No.511 of 2014 (Juvenile Enquiry No.237 of 2014).

Considering that apart from confessional statement of the co-accused there is no other material against the Petitioner and his



father undertakes his responsibility, 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 Principal Magistrate, Juvenile Justice Board, Gopalganj in Kuchaikote P.S. case No.42 of 2014, G.R. No.511 of 2014 (Juvenile Enquiry No.237 of 2014), subject to the conditions (i) That one of the 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 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, (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 bond will be liable to be cancelled for reasons of misuse, (iv) 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 dated 12.12.2014 passed by the 5th Additional Sessions

Judge, Gopalganj in J.J. Criminal Appeal No.48 of 2014as also the order dated 11.8.2014 passed by the Principal Magistrate, Juvenile Justice Board, Gopalganj in Kuchaikote P.S. case No.42 of 2014, G.R. No.511 of 2014 (Juvenile Enquiry No.237 of 2014) is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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