

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 615 of 2014

Arising out of P.S. Case No. -35 Year- 2013 Thana -Nautan
District- GOPALGANJ

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Bijendra Yadav @ Bijendra Kumar Yadav son of late Kapildeo Yadav,
resident of village- Khalwa Tola, P.S.- Phulwariya, and District-
Gopalganj under natural guardianship of his mother namely Most.
Bachiya Kuar.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.

For the Respondent/s : Mr. Shailendra Kumar Singh, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

The present Criminal Revision Application is directed against the order dated 08.01.2014 passed by the Sessions Judge, Siwan in Cr. Appeal No. 58 of 2013 affirming the order dated 03.12.2013 passed by learned Principal Magistrate, Juvenile Justice Board, Siwan in Nautan P.S. Case No. 35 of 2013 (J. Tr. No. 403 of 2013) registered under Section 302/34 of the Indian Penal Code whereby prayer for bail of the Petitioner has been rejected.

It has been submitted that apart from the confessional statement of the Petitioner there is no other material and he is accused in only one other case contrary to the observation of the Appellate Court.

Considering such aspects of the matter, the order dated 08.01.2014 passed by the Sessions Judge, Siwan in Cr. Appeal No. 58 of 2013 affirming the order dated 03.12.2013 passed by learned Principal Magistrate, Juvenile Justice Board, Siwan in Nautan P.S. Case No. 35 of 2013 (J. Tr. No. 403 of 2013) is, hereby, set aside.

Accordingly, this application is allowed.

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 as fixed by the Court to the satisfaction of Principal Magistrate, Juvenile Justice Board, Siwan in connection with Nautan P.S. Case No. 35 of 2013 (J.Tr. No. 403 of 2013) subject to the following 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 bailor shall be the brother of the Petitioner namely Nandan Yadav. 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 accused in only one other case. (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.

(Anjana Prakash, J.)

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