

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.742 of 2015

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1. Nihal Kumar @ Akash Kumar, son of Anil Kumar Thakur, R/o Village-Jasauli, P.S Kathaiya, District Muzaffarpur at Present R/o mohalla-Sanjay Cinema Road, P/s -Brahmapura District Muzaffarpur, under taking Guardianship of Anil Kumar Thakur, R/o Mohalla -Sanjay Cinema Road, P/s Brahmapura, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Rajendra Pd. Nat, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2/ 01-10-2015

This Revision Application has been filed against the judgment and order dated 20.07.2015 passed by the Sessions Judge, Muzaffarpur, in Cr. Appeal No.53 of 2015 whereby he has affirmed the order dated 04.06.2015 passed by the Juvenile Justice Board, Muzaffarpur, in Brahmapura P.S. Case No.103 of 2015.

Considering that the Petitioner has no criminal antecedents and his father undertakes his responsibility, let the Petitioner, above named, be **released provisionally for six months** on furnishing bond of ₹5,000/-(Five Thousand) with two sureties of the like amount each or any other surety to be fixed by the Court below to the satisfaction of the Juvenile Justice Board,

Muzaffarpur, in connection with Brahampura P.S. Case No.103 of 2015, subject to the conditions:

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- (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 another bailor shall be his father. The bailors will undertake to furnish information to the court about 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,
 - (iii) That the bailors shall also state on affidavit that they 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 bond 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 bond will be liable to be cancelled for reasons of misuse, and
 - (v) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bond will be liable to be cancelled.

In the nature of the case, the petitioner is directed to appear before the Head Priest of local Mandir situated within his home town, within fifteen days of his release on provisional bond for a period of six months and file a certificate about the same in the court within the stipulated time. In case, the petitioner fails to file certificate about reporting to the Head Priest within two weeks of his release from custody, notice shall be sent to him for cancellation of his bond. During the period of six months, the petitioner is expected to engage himself in fruitful activities under the guidance of the Head Priest and at the end of the six months, the petitioner will be required to file a certificate of his conduct before the Juvenile Justice Board granted by the Head Priest. If the certificate granted to the petitioner is found satisfactory, the court below will confirm the provisional bond of the petitioner or else will issue notice for cancellation of bond.

JA/-

(Anjana Prakash, J)

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