

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.168 of 2015

- =====
1. Rahul Kumar
 2. Shubham @ Naman Kumar @ Shubham Kumar through their father and legal guardian namely Lalit Singh. Son of Late Krishna Deo Singh, Resident of Village - Dhanraj Tola, P.S. - Barahiya, District - Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Md. Imteyaz Ahmad, Adv.

For the State : Mr. B.N. Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-03-2015

Heard learned Counsel for the petitioners and the State.

This revision application has been filed for setting aside the judgment and order dated 19.1.2015 by which the District & Sessions Judge, Lakhisarai, in Criminal Appeal No. 21 of 2014 has refused bail in Barahiya P.S. Case No. 24 of 2014.

The Petitioners seek bail in Barahiya P.S. Case No. 24 of 2014 on the ground that they have been implicated in the present case only on the basis of suspicion and there is no further material against them nor is there any case of similar nature against them. Also the father of the Petitioners undertakes their responsibility.

In view of the aforesaid, let the petitioners above named, be released on bail on furnishing bail bond of Rs.5,000/-(Five thousand)



each 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, Lakhisarai, in connection with Barahiya P.S. Case No. 24 of 2014 subject to the conditions, (i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners and the other shall be father of the Petitioners namely, Lalit Singh. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners. (ii) That the affidavit shall clearly state that the Petitioners are not accused in any other case and if they are, they shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioners are implicated in any other case of similar nature after their 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 Petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

Accordingly, the application is allowed and the order dated 19.1.2015 passed by the District & Sessions Judge, Lakhisarai, in Cr. Appeal No. 21 of 2014 arising out of Barahiya P.S. Case No. 24 of 2014 as also the order dated 17.11.2014 passed by the Juvenile Justice Board, Lakhisarai, in G.R. Case No. 252 of 2014 arising out of Barahiya P.S. Case No. 24 of 2014 are hereby set aside.

(Anjana Prakash, J)

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