

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 1031 of 2014

Arising out of P.S. Case No. -22 Year- 2013 Thana -Islampur
District- NALANDA (BIHARSHARIFF)

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Sharvan Kumar S/o Devendra Prasad Resident of Village Ashrafpur,
Police Station Islampur, District Nalanda,. under guardianship of
his mama Ramjee Prasad, Son of Late Ram Sewak Prasad, R/v
Bijokhari, P.S. Telhara, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha, Adv.

For the Respondent/s : Mr. U.S.P. 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 28.10.2014 passed by the Additional District & Sessions Judge-III, Nalanda at Biharsharif in Cr. Appeal No. 50 of 2014 affirming the order dated 08.10.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Nalanda at Biharsharif in Islampur P.S. Case No. 22 of 2013 (J.J. Board Case No. 227 of 2014, G.R. No. 163 of 2013) registered under Sections 302, 147, 148, 149, 341, 323 and 504 of the Indian Penal Code whereby prayer for bail of the Petitioner has been rejected on the ground that he was named as one of the assailants. Subsequently, he was

declared as juvenile but not released on bail since it was apprehended that the release of the Petitioner would put moral, physical and psychological danger.

Considering that the Petitioner's maternal uncle (Mama) Ramjee Prasad undertakes his responsibility, the order dated 28.10.2014 passed by the Additional District & Sessions Judge-III, Nalanda at Biharsharif in Cr. Appeal No. 50 of 2014 affirming the order dated 08.10.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Nalanda at Biharsharif in Islampur P.S. Case No. 22 of 2013 (J.J. Board Case No. 227 of 2014, G.R. No. 163 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, Nalanda at Biharsharif in connection with Islampur P.S. Case No. 22 of 2013 (G.R. No. 163 of 2013, J.J. Board Case No. 227 of 2014) 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 maternal uncle (Mama) of the Petitioner namely



Ramjee Prasad. 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 not an accused in any other case and if he is he shall not be released on bail. (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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