

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.6 of 2015

Arising Out of PS.Case No. -346 Year- 2013 Thana –Sour Bazar District- SAHARSA

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1. Rakesh Kumar Yadav @ Rakesh Kumar @ Rakesh Yadav Son of Raven Yadav @ Ravindra Prasad
 2. Rajeev Kumar @ Rajeev Yadav Minor Son of Lotan Yadav @ Lutan Yadav under legal guardianship of his father Lotan Yadav @ Lutan Yadav
 3. Rupesh Yadav @ Rupesh Kumar Minor Son of Navin Prasad Yadav under legal guardianship of his father Navin Prasad Yadav, All residents of Village - Padampura, Police Station - Sour Bazar (Bajnathpur O.P.), District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-03-2015

Heard learned Counsel for the petitioners and the State.

This revision application has been filed for setting aside the judgment dated 28.11.2014 passed by the Additional Sessions Judge 2nd, Saharsa in Criminal Appeal No.407 of 2014, by which he has affirmed the order dated 26.8.2014 passed by the Juvenile Justice Board, Saharsa in Sour Bazar (Bajnathpur O.P.) P.S. case No.346 of 2013 (G.R. No.1849 of 2013), by which he has refused to release the Petitioners.

The petitioners seek release in Sour Bazar (Bajnathpur O.P.) P.S. case No.346 of 2013 (G.R. No.1849 of 2013) on the ground

that the only material against them is of having been named in the confessional statement of the co-accused. The further submission is that the Petitioners have no criminal antecedents nor is there any danger of being mingling with anti social elements.

Considering the aforesaid facts, let the petitioners above named, be released on furnishing bond of Rs. 5,000/-(Five thousand) each with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Saharsa in connection with Sour Bazar (Baijnathpur O.P.) P.S. case No.346 of 2013 (G.R. No.1849 of 2013), 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 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 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, (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, (v) 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 28.11.2014 passed by the Additional Sessions Judge 2nd, Saharsa in Criminal Appeal No.407 of 2014 as also the order dated 26.8.2014 passed by the Juvenile Justice Board, Saharsa in Sour Bazar (Baijnathpur O.P.) P.S. case No.346 of 2013 (G.R. No.1849 of 2013) is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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