

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.43 of 2015

Arising Out of PS.Case No. 24 Year- 2014Thana –Barahiya, District- LAKHISARAI

Raman Kumar @ Chaman Kumar, Son of Late Hare Ram singh, under guardianship of his mother namely Niva Devi ,Wife of Hare Ram Singh, Resident of Village - Barahiya, P.S- Barahiya, District - Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

For the State : Mr. Satyendra Pd., A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-03-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 8.12.2014 by which the Sessions Judge, Lakhisarai, in Criminal Appeal No. 17 of 2014 has refused the Petitioner to be enlarged on bail in Barahiya P.S. Case No. 24 of 2014, G.R. No. 252 of 2014 and affirmed the order of the learned court below.

The Petitioner seeks bail in Barahiya P.S. Case No. 24 of 2014 on the ground that he has not been named in the First Information Report but subsequently, his name has transpired by the co-accused. The Petitioner has fair antecedents and there is no danger of being mingling with anti social elements.



Considering such submission and the fact that the Petitioner's mother undertakes his responsibility, 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 to be fixed by the court concerned to the satisfaction of Juvenile Justice Board, Lakhisarai, in connection with G.R. No. 252 of 2014 arising out of 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 Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner and the other shall be the mother of the Petitioner, namely, Niva Devi. 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.

Accordingly, the application is allowed and the Judgment and order dated 8.12.2014 passed by the Sessions Judge, Lakhisarai, in Criminal Appeal No. 17 of 2014 arising out of Barahiya P.S. Case No. 24 of 2014, G.R. No. 252 of 2014 is, hereby, set aside.

(Anjana Prakash, J)

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