

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.92 of 2015

Arising Out of PS.Case No. -181 Year- null 2014 -null District- BUXAR

1. Prem Kumar @ Prem Kumar Ram under guardianship of his mother namely Mosmat Barmatiya Devi S/o Late Dhiraj Ram Resident of Village Banarpur, P.S. Buxar (M), District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Respondent/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-03-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment dated 16.12.2014 passed by the Sessions Judge, Buxar in Criminal Appeal (Juvenile) No.64 of 2014, by which he has affirmed the order dated 21.11.2014 passed by the Juvenile Justice Board, Buxar in J.J.B. case No.664 of 2014 arising out of Buxar (M) P.S. case No.181 of 2014, by which he has refused to release the Petitioner.

The petitioner seeks release in J.J.B. case No.664 of 2014 arising out of Buxar (M) P.S. case No.181 of 2014 on the ground that there is no specific overt act alleged against him as also he has no criminal antecedents.



Considering such aspect of the matter, let the petitioner above named, be released on furnishing bond of Rs. 5,000/-(Five thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Buxar in connection with J.J.B. case No.664 of 2014 arising out of Buxar (M) P.S. case No.181 of 2014, 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 16.12.2014 passed by the Sessions Judge, Buxar in Criminal Appeal (Juvenile) No.64 of 2014 as also the order dated 21.11.2014 passed by the Juvenile Justice Board, Buxar in J.J.B. case No.664 of 2014 arising out of Buxar (M) P.S. case No.181 of 2014 is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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