

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 699 of 2015

- =====
1. Sudhir Kumar Pandey Son of late Gopal Pandey.
 2. Sandip Pandey @ Sandip Kr. Pandey Son of Late Gopal Pandey. Both are resident of Village Narahiya, P.O. Bergaon, P.S. Mairwa, District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshman Lal Pandey, Adv.

For the Respondent/s: Mr. Harendra Prasad (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 24.09.2015

Heard learned counsel for the Petitioners and the State.

This revision application has been filed for setting aside the judgment and order dated 11.06.2015 passed by the District and Sessions Judge, Siwan in Cr. Appeal No. 18 of 2015, by which he has affirmed the order dated 11.05.2015 passed by the Juvenile Justice Board, Siwan in J.J.B. Case No. 41 of 2015 arising out of Mairwa P.S. Case No. 223 of 2014, by which he has refused to release the Petitioner.

Considering the facts of the case as also the Petitioners' mother undertakes their responsibility, let them be released on furnishing 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 Juvenile Justice Board, Siwan in connection with J.J.B.



Case No. 41 of 2015 arising out of Mairwa P.S. Case No. 223 of 2014 subject to the following 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 bailor shall be the mother of the Petitioners namely Sandhya Devi. 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 an accused in any other case and if they are they shall not be released. (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 release 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 release will be liable to be cancelled for reasons of misuse. (v) That the Petitioners will be well represented on each date and if he fails to do so on two consecutive dates, their release will be liable to be cancelled.

Accordingly, the revision application is allowed

and the judgment and order dated 11.06.2015 passed by the District and Sessions Judge, Siwan in Cr. Appeal No. 18 of 2015, by which he has affirmed the order dated 11.05.2015 passed by the Juvenile Justice Board, Siwan in J.J.B. Case No. 41 of 2015 arising out of Mairwa P.S. Case No. 223 of 2014 is, hereby, set aside.



Vikash/-

(Anjana Prakash, J.)

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