

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 651 of 2015

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Sultan Darzi under the guardianship of his father Bahab Darzi, resident of village- Ahirauli, P.S.- Buxar (Industrial Area), Distt- Buxar. Petitioner/s

Versus

The State of Bihar. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Achhaibar Singh, Adv.

For the Respondent/s : Mr. T.P. Mandal (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 24.09.2015

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the judgment and order dated 20.05.2015 passed by the District and Sessions Judge, Buxar in Cr. Appeal (Juvenile) No. 12 of 2015, by which he has affirmed the order dated 18.03.2015 passed by the Juvenile Justice Board, Buxar in J.J.B. Case No. 514 of 2015 arising out of Buxar Industrial P.S. Case No. 158 of 2014, by which he has refused to release the Petitioner.

Considering that the Petitioner was not arrested at the spot and his name transpired in the confessional statement who was, and his brother, Md. Aslam undertakes his responsibility, let him 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, Buxar in connection with J.J.B. Case No. 514 of 2015 arising out of Buxar Industrial P.S. Case No. 158 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 brother of the Petitioner namely Md. Aslam. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) 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 release on the ground of misuse. (iii) 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 release will be liable to be cancelled for reasons of misuse. (iv) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his release will be liable to be cancelled.

In the nature of allegations, the Petitioner is directed to appear before the Imam of Local Mosque, Buxar within fifteen days of his release and file a

certificate about the same in the Court. On filing of the certificate the Petitioner will be granted provisional release for a period of six months. In case, the Petitioner does not file a certificate about his reporting to the Imam within two weeks of his release from custody, he shall be noticed cancellation of release. During six months the Petitioner is expected to engage himself in fruitful activities under the guidance of the Imam, Local Mosque, Buxar and at the end of the six months, he will file a certificate of his conduct in the Court below issued by the Imam. If the certificate granted to the Petitioner is found satisfactory, the Court below will confirm the provisional release granted to the Petitioner and in case it is not, the Petitioner will be taken in custody.

Accordingly, the revision application is allowed and the judgment and order dated 20.05.2015 passed by the District and Sessions Judge, Buxar in Cr. Appeal (Juvenile) No. 12 of 2015, by which he has affirmed the order dated 18.03.2015 passed by the Juvenile Justice Board, Buxar in J.J.B. Case No. 514 of 2015 arising out of Buxar Industrial P.S. Case No. 158 of 2014 is, hereby, set aside.

(Anjana Prakash, J.)

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