

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.423 of 2015

Arising Out of PS.Case No. -222 Year- 2014 Thana -null District-
EASTCHAMPARAN(MOTIHARI)

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1. Chhotu Kumar @ Abhishek Kumar @ Chotu Kumar S/O Shatrughan singh,
Resident of Mohall- Mission Chowk Motihari, P.S- Motihari Muffasil, District-
East Champaran, under the guardianship of his father Sharughan Singh.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 27-08-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment dated 15.4.2015 passed by the Sessions Judge, East Champaran, Motihari in Criminal Appeal No.27 of 2015, by which he has affirmed the order dated 6.2.2015 passed by the Juvenile Justice Board, Motihari, East Champaran in Trial No.944 of 2014 arising out of Chhatauni P.S. case No.222 of 2014 (G.R. No.4179 of 2014), by which he has refused to release the Petitioner.

Considering that the Petitioner's father undertakes responsibility of the Petitioner and he has been implicated in the case on the basis of confessional statement, 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, Motihari, East Champaran in connection with Trial No.944 of 2014 arising out of Chhatauni P.S. case No.222 of 2014 (G.R. No.4179 of 2014), subject to the conditions (i) That one of the bailor shall be the father of the Petitioner and the other 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 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, (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 bond will be liable to be cancelled for reasons of misuse, (iv) 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 15.4.2015 passed by the Sessions Judge, East

Champaran, Motihari in Criminal Appeal No.27 of 2015, by which he has affirmed the order dated 6.2.2015 passed by the Juvenile Justice Board, Motihari, East Champaran in Trial No.944 of 2014 arising out of Chhatauni P.S. case No.222 of 2014 (G.R. No.4179 of 2014) is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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