

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.526 of 2014

Vijay Nut under Guardianship of mother namely Radhika Devi Son of Sri Mahesh Nut by resident of Village : Karah, Netua Tola, Police Station : Baniyapur, District - Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Ben Bihari Singh, Adv.

For the State : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-09-2015

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 19.5.2014 passed by the learned Sessions Judge, Saran at Chapra, in Criminal Appeal No. 40 of 2014 by which he has affirmed the order dated 1.4.2014 passed by the Juvenile Justice Board, Chapra, in Trial No. 1063 of 2014 arising out of Baniyapur P.S. Case No. 218 of 2013, by which he has refused to release the Petitioner.

Considering that the Petitioner's maternal uncle Algu Nut undertakes responsibility of the Petitioner, 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



Juvenile Justice Board, Chapra, in connection with Baniyapur P.S. Case No. 218 of 2013, Trial No. 1063 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. 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. (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 release 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 release 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 release will be liable to be cancelled.

Accordingly, the revision application is allowed and the Judgment and order dated 19.5.2014 passed by the learned Sessions

Judge, Saran at Chapra, in Criminal Appeal No. 40 of 2014 and the order dated 1.4.2014 passed by the Juvenile Justice Board, Chapra, in Trial No. 1063 of 2014 arising out of Baniyapur P.S. Case No. 218 of 2013, is, hereby, set aside.

In view of the nature of dispute, the petitioner is directed to appear before the Head Priest of any local temple at Chapra (Saran) Town, within fifteen days of his release from jail custody on provisional bail for a period of six months and file a certificate about the same in the court within the stipulated time. In case, the petitioner fails to file certificate about reporting to the Head Priest within two weeks of his release, notice shall be sent to him for cancellation of release. During the period of six months, the petitioner is expected to engage himself in fruitful activities under the guidance of the Head Priest of any local temple situated at Chapra (Saran), and at the end of the six months, the petitioner will be required to file a certificate of his conduct in the court below granted by the Head Priest. If the certificate granted to the petitioner is found satisfactory, the court below will confirm the provisional release granted to the petitioner or else will issue notice for cancellation of release.

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(Anjana Prakash, J)

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