

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.322 of 2015

Arising Out of PS.Case No. -504 Year- 2014 Thana -null District- MUZAFFARPUR

1. Abhijeet Kumar (Son of Sri Chandra Bhushan Tiwari) through his father and natural guardian namely Sri Chandra Bhushan Tiwari, resident of Mohalla Srinagar Colony Gobarsahi, P.S.- Sadar, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Imteyaz Ahmad, Advocate

For the Respondent/s : Mr. Gajendra Prasad Yadav, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-09-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment dated 19.3.2015 passed by the Additional Sessions Judge XI, Muzaffarpur in Criminal Appeal No.19 of 2015, by which he has affirmed the order dated 16.2.2015 passed by the Juvenile Justice Board, Muzaffarpur in Muzaffarpur Sadar P.S. case No.504 of 2014 (G.R. case No.6496 of 2014), by which he has refused to release the Petitioner.

Considering that the Petitioner's father undertakes his responsibility and he has no criminal antecedents, 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, Muzaffarpur in connection with Muzaffarpur Sadar P.S. case No.504 of 2014 (G.R. case No.6496 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 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.

Counsel for the petitioner submits that the petitioner has been repeatedly implicated in cases on account of the hostile attitude

of the police and wishes to regain his self esteem, for this reason the petitioner volunteers to report to the Head Priest of local temple Muzaffarpur within 15 days of his release with a copy of this order. The Head Priest is requested to evolve the petitioner on fruitful activities for the next six months and in case the petitioner's conduct is in any way found not satisfactory, a report will be made to the court concerned, who will proceed for cancellation of bail after calling for a report about the petitioner's conduct.

Accordingly, the revision application is allowed and the judgment dated 19.3.2015 passed by the Additional Sessions Judge XI, Muzaffarpur in Criminal Appeal No.19 of 2015 as also the order dated 16.2.2015 passed by the Juvenile Justice Board, Muzaffarpur in Muzaffarpur Sadar P.S. case No.504 of 2014 (G.R. case No.6496 of 2014) is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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