

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 375 of 2015

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1. Jagarnath Sah Minor Son of Lalo Sah.
 2. Sunil Sah Minor Son of Dipo Sah Both residents of Village - Bhagdeva, Police Station - Bakhtiarapur, District - Saharsa. Petitioner No. 1 is under legat guardianship of his father Lalo Sah. Petitioner No. 2 is under guardianship of his father Dipo Sah.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Respondent/s: Mr. Nagendra Pd. (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 03.09.2015

Heard learned counsel for the Petitioners and the State.

This revision application has been filed for setting aside the judgment and order dated 03.03.2015 passed by the Sessions Judge, Saharsa in Cr. Appeal No. 08. of 2015, by which he has affirmed the order dated 22.12.2014 passed by the Principal Magistrate, Juvenile Justice Board, Saharsa in G.R. Case No. 1319 of 2014 arising out of Bakhtiyarpur (Balwahat) P.S. Case No. 162 of 2014, by which he has refused to release the Petitioners.

Considering the motive of the occurrence as also the fair antecedents of the Petitioners and their grand-fathers are ready to take their responsibly, let them be released on furnishing bonds of Rs. 5,000/- (Five Thousand) each with two sureties of the like amount each or any other surety as fixed by the Court to the satisfaction of Principal Magistrate, Juvenile Justice Board, Saharsa in G.R. Case No. 1319 of 2014 arising out of Bakhtiyarpur (Balwahat) P.S. Case No. 162 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 bail shall be the grand-father of both the Petitioners. 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 accused in any other case and if they are they shall not be released on bail. (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 bail 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 bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

In the nature of allegations, the Petitioners are directed to appear before the Head Priest of Local Temple, Saharsa within fifteen days of their release and file a certificate about the same in the Court. On filing of the certificate the Petitioners will be granted provisional release for a period of six months. In case, the Petitioners do not file a certificate about their reporting to the Head Priest within two weeks of their

release from custody, they shall be noticed cancellation of release. During six months the Petitioners are expected to engage himself in fruitful activities under the guidance of the Head Priest, Local Temple, Saharsa and at the end of the six months, they will file a certificate of their conduct in the Court below issued by the Head Priest. If the certificate granted to the Petitioners is found satisfactory, the Court below will confirm the provisional release granted to the Petitioners and in case it is not, the Petitioners will be taken in custody.

Accordingly, the revision application is allowed and the judgment and order dated 03.03.2015 passed by the Sessions Judge, Saharsa in Cr. Appeal No. 08. of 2015, by which he has affirmed the order dated 22.12.2014 passed by the Principal Magistrate, Juvenile Justice Board, Saharsa in G.R. Case No. 1319 of 2014 arising out of Bakhtiyarpur (Balwahat) P.S. Case No. 162 of 2014 is, hereby, set aside.

Vikash/-

(Anjana Prakash, J.)

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