

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 483 of 2015

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Phuleshwar Kumar Mahto, Son of Ramswaroop Mahto, R/o Village Khavachandr
Tola, P.S. Mednichowk, District Lakhisarai, under the guardianship of Natural
father Ram Swaroop Mahto R/o Village Khavachandra P.S. Mednichowki, District
Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

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

For the State : Mr. R.P.S. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-09-2015

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the
Judgment dated 11.3.2015 passed by the Sessions Judge, Lakhisarai, in
Cr. Appeal No., 5 of 2015, by which he has affirmed the order dated
16.1.2015 passed by the Principal Magistrate, Juvenile Justice Board,
Lakhisarai, in Misc. Case No. 1 of 2014 arising out of Medni Chowki P.S.
Case No. 76 of 2013, by which he has refused to release the Petitioner.

Considering the merits of the case and the fair antecedents
of the Petitioner as also that the Petitioner's father undertakes
responsibility, 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 Principal Magistrate, Juvenile Justice Board,
Lakhisarai, in connection with Misc. Case No. 1 of 2014 arising out of
Medni Chowki P.S. Case No. 76 of 2013 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 and the other shall be the father of 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.

In the nature of case, the petitioner is directed to appear before the Head Priest of any local temple situated at Lakhisarai 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 from jail custody, notice shall be sent to him for cancellation of bail. During the period of six months, the petitioner is expected to engage himself in fruitful activities under the guidance of the Head Priest, 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 bail granted to the petitioner or else will issue notice for cancellation of bail.

Accordingly, the revision application is allowed and the Judgment dated 11.3.2015 passed by the Sessions Judge, Lakhisarai, in Cr. Appeal No., 5 of 2015, as also the order dated 16.1.2015 passed by the Principal Magistrate, Juvenile Justice Board, Lakhisarai, in Misc. Case No. 1 of 2014 arising out of Medni Chowki P.S. Case No. 76 of 2013, are, hereby, set aside.

(Anjana Prakash, J)

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