

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.68 of 2015

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Nitesh Kumar (minor) under the Guardianship of his Father, Son of Nagendra Giri
Resident of vill-Khokhara, P.S-Kalyanpur, Distt.-East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Adv.

For the State : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-03-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment and order dated 16.12.2014 by which the 7th Additional Sessions Judge, East Champaran, Motihari, in Criminal Appeal No. 114/44 of 2014-14 has refused bail in Kalyanpur P.S. Case No. 170 of 2014 affirming the order dated 17.11.2014 passed by the Juvenile Justice Board, Motihari, in Trial No. 844 of 2014 (G.R. No. 2581 of 2014).

The Petitioner seeks bail in Kalyanpur P.S. Case No. 170 of 2014 on the ground that he is not named in the First Information Report and his name transpired subsequently during investigation and also he has fair antecedent and his father undertakes his responsibility. There is no danger of him mingling with anti social elements.



Considering such aspect of the matter, let the petitioner above named, be released on bail on furnishing bail bond of Rs.5,000/-(Five thousand) with two sureties of the like amount each or any other surety to be fixed by the court concerned to the satisfaction of Juvenile Justice Board, Motihari, in Trial No. 844 of 2014, G.R. No. 2581 of 2014 arising out of Kalyanpur P.S. Case No. 170 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 and the other shall be father of the Petitioner, namely, Nagendra Giri. 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 on bail. (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 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 bail 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 bail will be liable to be cancelled.

Accordingly, the application is allowed and the order dated 16.12.2014 passed by the 7th Additional Sessions Judge, East Champaran, Motihari, in Cr. Appeal No. 114/44 of 2014-14 as also the order dated 17.11.2014 passed by the Juvenile Justice Board, Motihari in Trial No. 844 of 2014, G.R. No. 251 of 2014 arising out of Kalyanpur P.S. Case No. 170 of 2014 are hereby set aside.

(Anjana Prakash, J)

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