

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.325 of 2015

Arising Out of PS.Case No. -121 Year- 2014 Thana -null District- WESTCHAMPARAN(BETTIAH)

Arbind Kumar Sharma son of Sri Suresh Sharma @ Sri Suraj Sharma, resident of village- Raibarwa, P.S.-Sathi, District- West Champaran, through his father and natural guardian Sri Suresh Sharma @ Sri Suraj Sharma son of Late Shankar Thakur, resident of village- Raibarwa, P.S.-Sathi, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Inspector General, SSB, Frontier Head Quarters, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-06-2015

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the order dated 20.3.2015 passed by the Sessions Judge, West Champaran, Bettiah in Criminal Appeal No.09 of 2015, by which he has affirmed the order dated 24.2.2015 passed by the Principal Magistrate, Juvenile Justice Board, West Champaran, Bettiah in Juvenile Justice Board Trial No.384 of 2015 arising out of Sathi P.S. case No.121 of 2014, by which he has refused to release the Petitioner.

The petitioner seeks release in Juvenile Justice Board Trial No.384 of 2015 arising out of Sathi P.S. case No.121 of 2014.



Considering that the Petitioner's father undertakes his responsibility and he is in custody since 7.7.2014 having fair 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 Principal Magistrate, Juvenile Justice Board, West Champaran, Bettiah in Juvenile Justice Board Trial No.384 of 2015 arising out of Sathi P.S. case No.121 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.

Accordingly, the revision application is allowed and the order dated 20.3.2015 passed by the Sessions Judge, West Champaran, Bettiah in Criminal Appeal No.09 of 2015 as also the order dated 24.2.2015 passed by the Principal Magistrate, Juvenile Justice Board, West Champaran, Bettiah in Juvenile Justice Board Trial No.384 of 2015 arising out of Sathi P.S. case No.121 of 2014 is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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