

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.462 of 2015**

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1. Gudan Kumar, son of Bala Lakhandra Das  
2. Bala Lakhandra Das (father and natural guardian of Gudan Kumar, Petitioner No. 1), son of Balkeshwar Das  
Both residents of village Pirhan Tola, Mohanpur Koiri Bigha, P.S. Salaiya, Distt. Aurangabad.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Dubey, Adv.

For the State : Mr. Binod Kumar 2 (APP)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 08-10-2015**

Heard learned counsel for the Petitioners and the State.

This revision application has been filed for setting aside the Judgment and order dated 29.5.2015 passed by the Sessions Judge, Aurangabad, in Criminal Appeal No. 24 of 2015, by which he has affirmed the order dated 25.3.2015 passed by the Juvenile Justice board, Aurangabad, in G.R. No. 95 of 2015, Tr. No. 815 of 2015 arising out of Kasma P.S. Case No. 05 of 2015, by which he has refused to release the Petitioner.

Considering that there is only circumstantial materials against the Petitioners who have fair antecedents and their father undertakes their responsibility, let the Petitioners 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 Juvenile Justice



Board, Aurangabad, in connection with Kasma P.S. Case No. 5 of 2015 (G.R. No. 95 of 2015), subject to the 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 shall be the father of 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. (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 release 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.

Accordingly, the revision application is allowed and the Judgment and order dated dated 29.5.2015 passed by the Sessions

Judge, Aurangabad, in Criminal Appeal No. 24 of 2015 as well as the order dated 25.3.2015 passed by the Juvenile Justice board, Aurangabad, in G.R. No. 95 of 2015, Tr. No. 815 of 2015 arising out of Kasma P.S. Case No. 05 of 2015, are, hereby, set aside.

**(Anjana Prakash, J)**

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