

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 867 of 2015

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Hansraj Son of Amarendra Kumar Under the Guardianship of
his natural guardian Amarendra Kumar (father) son of Late
Ganesh Das, Both Resident of village- Bahilwara, P.S.-
Saraiya, District- Muzaffarpur. Petitioner/s

Versus

The State of Bihar. Respondent/s

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Appearance :

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

For the Respondent/s: Mr. Suresh Prasad Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 09.11.2015

Heard learned counsel for the Petitioner and the
State.

This Revision Application has been filed for
setting aside the judgment and order dated 19.08.2015
passed by the Sessions Judge, Muzaffarpur in Cr.
(Juvenile) Appeal No. 71 of 2015, by which he has
affirmed the order dated 24.07.2015 passed by the
Principal Magistrate, Juvenile Justice Board, Muzaffarpur
in Kudhani P.S. Case No. 180 of 2015 (G.R. No. 1234 of
2015), by which he has refused to release the Petitioner.

Considering that the Petitioner has fair
antecedents and his mother, Usha Devi undertakes his
responsibility, let him be released on furnishing bond of
Rs. 5,000/- (Five Thousand) 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, Muzaffarpur in Kudhani P.S. Case No. 180 of 2015



(G.R. No. 1234 of 2015) subject to the following 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 bailor shall be the mother 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 allegation, the Petitioner is directed to appear before the Head Priest of Local Temple, Muzaffarpur within fifteen days of his release and file a



certificate about the same in the Court. On filing of the certificate the Petitioner will be granted provisional release for a period of six months. In case, the Petitioner does not file a certificate about his reporting to the Head Priest within two weeks of his release from jail custody, he shall be noticed cancellation of bail. During six months the Petitioner is expected to engage himself in fruitful activities under the guidance of the Head Priest, Local Temple, Muzaffarpur and at the end of the six months, he will file a certificate of his conduct in the court below issued by the Head Priest. If the certificate granted to the Petitioner is found satisfactory, the Court below will confirm the provisional release granted to the Petitioner and in case it is not, the Petitioner will be taken in custody.

Accordingly, the Revision Application is allowed and the judgment and order dated 19.08.2015 passed by the Sessions Judge, Muzaffarpur in Cr. (Juvenile) Appeal No. 71 of 2015 as also order dated 24.07.2015 passed by the Principal Magistrate, Juvenile Justice Board, Muzaffarpur in Kudhani P.S. Case No. 180 of 2015 (G.R. No. 1234 of 2015) is, hereby, set aside.

(Anjana Prakash, J.)

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