

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 1078 of 2014

Arising out of P.S. Case No. -276 Year- 2014 Thana –Chapra
Town District- SARAN

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Raj Tiwari @ Pranesh Tiwary @ Pranesh Kr. Tiwari son of Manoj Tiwari @ Manoj Kumar Tripathi resident of village - Raghapur, Police Station - Revelganj, District - Saran (Chapra) under natural guardian of father Manoj Tiwary @ Manoj Kumar Tripathi, s/o late Nand Kishore Tiwari R/o vill. Raghapur, P.S. Revelganj, Distt. Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Respondent/s : Mr. Parmanand Prasad, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

The present Criminal Revision Application is directed against the order dated 15.11.2014 passed by the Sessions Judge, Saran at Chapra in Cr. Appeal No. 102 of 2014 affirming the order dated 28.10.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Saran at Chapra in Chapra Town P.S. Case No. 276 of 2014 (J.J. Board Case No. 1390 of 2014) registered under Sections 420, 467, 468, 471 and 414/34 of the Indian Penal Code whereby prayer for bail of the Petitioner has been rejected.

It has been submitted that apart from confessional statement of the co-accused there is no

further material against him and the other case in which he has been implicated is also based on the same confessional statement as also his father undertakes his responsibility.

Considering such aspects of the matter, the order dated 15.11.2014 passed by the Sessions Judge, Saran at Chapra in Cr. Appeal No. 102 of 2014 affirming the order dated 28.10.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Saran at Chapra in Chapra Town P.S. Case No. 276 of 2014 (J.J. Board Case No. 1390 of 2014) is, hereby, set aside.

Accordingly, this application is allowed.

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 as fixed by the Court to the satisfaction of Principal Magistrate, Juvenile Justice Board, Saran at Chapra in connection with Chapra Town P.S. Case No. 276 of 2014 (J.J. Board Case No. 1390 of 2014) 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 father of the Petitioner namely Manoj Tiwari @ Manoj Kumar Tripathi. The bailor will also undertake to inform the Court if there is any



change in the address of the Petitioner. (ii) 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. (iii) 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. (iv) 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.

(Anjana Prakash, J.)

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