

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.13 of 2015

Arising Out of PS.Case No. -173 Year- 2013 Thana -Muffasil District- AURANGABAD

1. Sanjit Kumar @ Lalu Son of Kapil Muni Prasad, under natural guardianship of father namely Kapil Muni Prasad, Resident of Village-Khadiha P.S-Muffasil District-Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-03-2015

Supplementary affidavit filed today on behalf of the
Petitioner be kept on the record.

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside
the judgment and order dated 15.10.2014 passed by the 1st Additional
Sessions Judge, Aurangabad in Criminal Appeal No.69 of 2014/ 7 of
2014, by which he has affirmed the order dated 23.8.2014 passed by
the Juvenile Justice Board, Aurangabad in G.R. No.2374 of 2013
(Trial No.702 of 2014) arising out of Madanpur P.S. case No.173 of
2013, by which he has refused to release the Petitioner.

The petitioner seeks release in G.R. No.2374 of 2013 (Trial
No.702 of 2014) arising out of Madanpur P.S. case No.173 of 2013 on

the ground that the Petitioner has been implicated in many cases only on the basis of the same confessional statement. The further submission is that the only material against the Petitioner is the aforesaid confessional statement. Also the Petitioner's father undertakes his responsibility and there is no danger of being mingling with anti social elements.

Considering the aforesaid facts, 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 learned Juvenile Justice Board, Aurangabad in connection with G.R. No.2374 of 2013 (Trial No.702 of 2014) arising out of Madanpur P.S. case No.173 of 2013, 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 judgment and order dated 15.10.2014 passed by the 1st Additional Sessions Judge, Aurangabad in Criminal Appeal No.69 of 2014/ 7 of 2014 as also the order dated 23.8.2014 passed by the Juvenile Justice Board, Aurangabad in G.R. No.2374 of 2013 (Trial No.702 of 2014) arising out of Madanpur P.S. case No.173 of 2013 is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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