

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 28 of 2015

Arising out of P.S. Case No. -279 Year- 2014 Thana -Giriyak
District- NALANDA (BIHARSHARIFF)

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Kamlesh Kumar son of Yogi Mahto @ Yogendra Prasad Resident of
village- Adampur, P.S.- Giriyak, Distt. Nalanda at Bihar Sharif.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Raj Kishore Singh, 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 judgment dated 17.12.2014 passed by the Additional Sessions Judge-V, Nalanda at Biharsharif in Cr. Appeal (Juvenile) No. 63 of 2014 affirming the order dated 10.12.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Nalanda at Biharsharif in Giriyak P.S. Case No. 279 of 2014 (J.J. Board Case No. 236 of 2014) registered under Section 366(A) of the Indian Penal Code whereby prayer for bail of the Petitioner has been rejected.

It has been submitted that evidently the case is one of consent with each other and not a case of kidnapping. Moreover, the Petitioner has clean antecedents and in custody since 10.12.2014. Also, his father undertakes his responsibility.



Considering such aspects of the matter, the judgment dated 17.12.2014 passed by the Additional Sessions Judge-V, Nalanda at Biharsharif in Cr. Appeal (Juvenile) No. 63 of 2014 affirming the order dated 10.12.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Nalanda at Biharsharif in Giriyak P.S. Case No. 279 of 2014 (J.J. Board Case No. 236 of 2014) is, hereby, set aside.

Accordingly, this application is allowed.

Let the Petitioner, above named be released on bail on furnishing bail bonds of Rs. 5,000/- (Five Thousand) each 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, Nalanda at Biharsharif in connection with Giriyak P.S. Case No. 279 of 2014 (J.J. Board Case No. 236 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 Petitioners and the other bailor shall be the father of the Petitioner. 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 Petitioner is not an accused in any other case and if he is he shall not be released on bail. (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 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 bail 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 bail will be liable to be cancelled.

Vikash/-

(Anjana Prakash, J.)

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