

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.951 of 2015

- =====
1. RITESH KUMAR UPADHYAY @ RITESH UPADHYAY @ RITESH KUMAR s/o- Raj Mangal Upadhyay through his guardian namely Raj Mangal Upadhyay son of Late Ram Nagina Upadhyay.
 2. Abhishek Kumar Upadhyay @ Abhishek Upadhyay @ Abhishek Kumar, Son of Ajay Kumar Upadhyay through his guardian namely Ajay Kumar Upadhyay Son of Harihar Nath Upadhyay Both Resident of village- Bagoi, P.s.- Daudpur, Dist- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Respondent/s: Mr. Upendra Kumar (APP)

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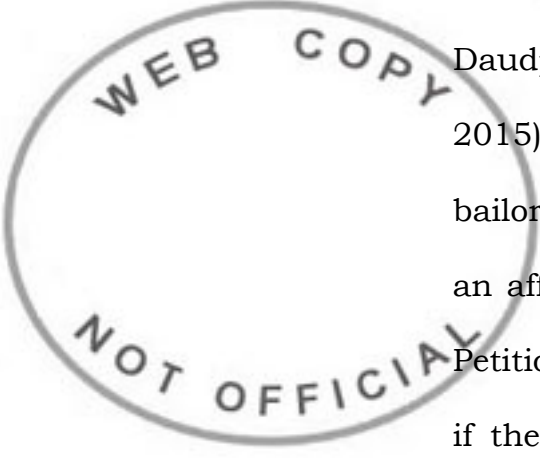
CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

03. 08.02.2016

Heard learned counsel for the Petitioners and the State.

This revision application has been filed for setting aside the judgment and order dated 10.09.2015 passed by the Sessions Judge, Saran at Chapra in Cr. (Juvenile) Appeal No. 109 of 2015, by which he has affirmed the order dated 28.08.2015 passed by the Juvenile Justice Board, Saran at Chapra in Daudpur P.S. Case No. 45 of 2015 (JJB Case No. 1376 of 2015), by which he has refused to release the Petitioners.

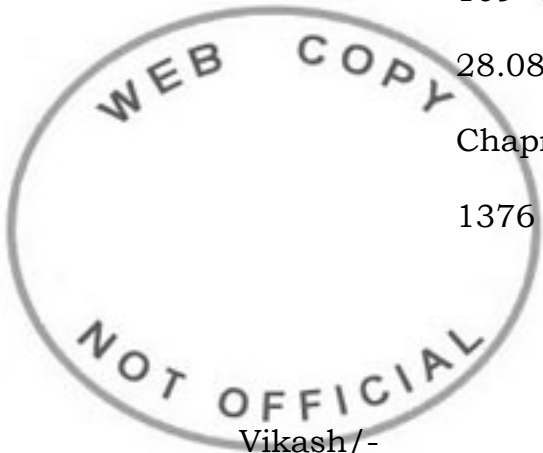
Considering the facts of the case, let the Petitioners, above named be released on furnishing bonds of Rs. 5,000/- (Five Thousand) each with two sureties of the like amount



each or any other surety as fixed by the Court to the satisfaction of Juvenile Justice Board, Saran at Chapra in Daudpur P.S. Case No. 45 of 2015 (JJB Case No. 1376 of 2015) subject to the following 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. 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 an 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 release will be liable to be cancelled.

Accordingly, the revision application is allowed and the judgment and order dated 10.09.2015 passed by the

Sessions Judge, Saran at Chapra in Cr. (Juvenile) Appeal No. 109 of 2015, by which he has affirmed the order dated 28.08.2015 passed by the Juvenile Justice Board, Saran at Chapra in Daudpur P.S. Case No. 45 of 2015 (JJB Case No. 1376 of 2015) is, hereby, set aside.



Vikash/-

(Anjana Prakash, J.)

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