

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.147 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

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1. Amit Kumar @ Happy Son of Kumar Bimlendra Singh @ Uday Narayan Singh, resident of Village- Shabazpur, P.S Shyampur Bhathan, District Sheohar, under the guardianship Kumar Bimlendra Singh @ Uday Narayan Singh Son of late Vishwanath Pratap Singh, resident of village-Shabazpur, P.s Shyampur Bhathan, District Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Advocate

For the Respondent/s : Mrs. Sahin Begum, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-07-2016

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the order dated 9.12.2015 passed by the Sessions Judge, Muzaffarpur in Criminal Appeal No.102 of 2015, by which he has affirmed the order dated 20.11.2015 passed by the Juvenile Justice Board, Muzaffarpur in Aurai P.S. case No.187 of 2014/G.R. No.4595 of 2014, by which he has refused to release the Petitioner.

Considering that the Petitioner's name transpired in the confessional statement of the co-accused but there has been no recovery from his possession, 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, Muzaffarpur in connection with Aurai P.S. case No.187



of 2014/G.R. No.4595 of 2014, subject to the conditions (i) That one of the bailor shall be Kumar Bimlendra Singh @ Uday Narayan Singh, 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 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, (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 bond will be liable to be cancelled for reasons of misuse, (iv) 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.

In view of nature of allegations, the petitioner is directed to appear before the Superintendent of Police, Muzaffarpur within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to

initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

I also find from the report of the Juvenile Justice Board, Muzaffarpur that now the case is running for evidence. In such circumstances, he is directed to send a list of the witnesses fixing specific dates for each witness for their examination along with a copy of this order to the S.P., Muzaffarpur, who is directed to ensure the attendance of the witnesses on the date fixed by the Trial Court so that the proceedings can be expeditiously disposed of.

Accordingly, the revision application is allowed and the order dated 9.12.2015 passed by the Sessions Judge, Muzaffarpur in Criminal Appeal No.102 of 2015 as also the order dated 20.11.2015 passed by the Juvenile Justice Board, Muzaffarpur in Aurai P.S. case No.187 of 2014/G.R. No.4595 of 2014 is, hereby, set aside.

Let the case diary be remitted to the court below immediately.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.07.2016
Transmission Date	16.07.2016