

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 163 of 2016

=====

Margub Ahmad @ Margun Ahmad, Son of Makbul Ahmad, he is
living under guardianship of his father name's Makbul Ahmad,
resident of Village- Mahesinghia, P.S. Singhia, District- Samastipur.
.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Adv.

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

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

03. 03.05.2016

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the judgment and order dated 29.01.2016 passed by the District and Sessions Judge, Samastipur in Cr. Appeal No. 03 of 2016, by which he has affirmed the order dated 15.01.2016 passed by the Principal Magistrate, Juvenile Justice Board, Samastipur in Juvenile Enquiry No. 1083 of 2016 arising out of Bibhutipur P.S. Case No. 248 of 2015, by which he has refused to release the Petitioner.

Considering that the Petitioner has fair antecedents and his cousin brother, Md. Fakhruddin Ali undertakes his responsibility, let him be released 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, Samastipur in Juvenile Enquiry No. 1083 of 2016 arising out of Bibhutipur P.S. Case No. 248 of 2015 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 his cousin brother, Md. Fakhruddin Ali undertakes his responsibility. The bailor will also undertake to inform the Court if there is any change in the 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 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.

Accordingly, the revision application is allowed and set aside the judgment and order dated 29.01.2016 passed by the District and Sessions Judge, Samastipur in Cr. Appeal No. 03 of 2016, by which he has affirmed the order dated 15.01.2016 passed by the Principal Magistrate, Juvenile Justice Board, Samastipur in Juvenile Enquiry No. 1083 of 2016 arising out of Bibhutipur P.S. Case No. 248 of 2015 is, hereby, set aside.

(Anjana Prakash, J.)

Vikash/-

U		T	
---	--	---	--