

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.161 of 2016

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

1. Ashish Kumar @ Ashish Yadav Son of Sri Siyaram Yadav, under the Guardianship of his father Namely Sri Siyaram yadav, resident of Village-Fatehpur, P.s Bihariganj, district Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Respondent/s : Mr. Kr. Virendra Narayan, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 21-04-2016

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the judgment dated 8.12.2015 passed by the Sessions Judge, Madhepura in Criminal Appeal No.40 of 2015/C.I.S. No.43 of 2015, by which he has affirmed the order dated 8.10.2015 passed by the Principal Magistrate, Juvenile Justice Board, Madhepura in Bihariganj P.S. case No.03 of 2015 corresponding to G.R. case No.10 of 2015, by which he has refused to release the Petitioner.

Considering the nature of allegations and the fair antecedents of the Petitioner, 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 Principal



Magistrate, Juvenile Justice Board, Madhepura in Bihariganj P.S. case No.03 of 2015 corresponding to G.R. case No.10 of 2015, subject to the conditions (i) That one of the 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 dated 8.12.2015 passed by the Sessions Judge, Madhepura in Criminal Appeal No.40 of 2015/C.I.S. No.43 of 2015 as also the

order dated 8.10.2015 passed by the Principal Magistrate, Juvenile Justice Board, Madhepura in Bihariganj P.S. case No.03 of 2015 corresponding to G.R. case No.10 of 2015 is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	27.04.2016
Transmission Date	27.04.2016