

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 195 of 2016

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Ashique Son of Late Riyaj, Resident of Village - Mahalgaon, Police Station - Mahalgaon, District - Araria under the guardianship of his uncle Md. Atiuddin. Petitioner/s

Versus

1. The State of Bihar.
 2. Sarwati @ Minakshi, D/o Umman, Resident of Village - Mahalgaon, Police Station - Mahalgaon, District - Araria. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.
For the Respondent/s: Mr. Parmeshwar Mehta (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 12.05.2016

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the judgment and order dated 30.01.2016 passed by the Sessions Judge, Araria in Cr. Appeal (Juvenile) No. 02 of 2016, by which he has affirmed the order dated 22.12.2015 passed by the Juvenile Justice Board, Araria in G.R. No. 932 of 2015 arising out of Araria (Mahila) P.S. Case No. 14 of 2015, by which he has refused to release the Petitioner.

Considering that the alleged victim was a major and the Petitioner has fair antecedents, 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 Juvenile Justice Board, Araria in G.R. No. 932 of 2015 arising out of Araria (Mahila) P.S. Case No. 14 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. 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 the judgment and order dated 30.01.2016 passed by the Sessions Judge, Araria in Cr. Appeal (Juvenile) No. 02 of 2016, by which he has affirmed the order dated 22.12.2015 passed by the Juvenile Justice Board, Araria in G.R. No. 932 of 2015 arising out of Araria (Mahila) P.S. Case No. 14 of 2015 is, hereby, set aside.

(Anjana Prakash, J.)

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