

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Revision No.336 of 2016**

Arising Out of P.S.Case No.295 Year 2015 Thana Rampur District- GAYA

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Rakesh Kumar, son of Narsingh Yadav, Resident of village – Gangapur, Police Station – Chandauti, District – Gaya, through his father and natural guardian namely Narsingh Yadav son of Ramchander Yadav, Resident of village - Gangapur Police Station - Chandauti District - Gaya.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the State : Dr. Indiwari Kumari, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 21-06-2016**

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 4.3.2016 passed by the Sessions Judge, Gaya, in Criminal Appeal (Juvenile) No. 10 of 2016, by which he has affirmed the order dated 4.2.2016 passed by the Principal Magistrate, Juvenile Justice Board, Gaya, in G.R. No. 6273 of 2015 arising out of Rampur P.S. Case No. 295 of 2015, by which he has refused to release the Petitioner.

Considering that the Petitioner has fair antecedents and his father undertakes his responsibility, let him be released on furnishing bond of Rs.5,000/- (Five thousand) with two sureties of the



like amount each to the satisfaction of Principal Magistrate, Juvenile Justice Board, Gaya, in connection with G.R. No. 6273 of 20125 arising out of Rampur P.S. Case No. 295 of 2015 subject to the 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 the other shall be the father of the Petitioner namely, Narsingh Yadav. 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. (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 release 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 release 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 release will be liable to be cancelled.

Accordingly, the revision application is allowed and the Judgment and order dated 4.3.2016 passed by the Sessions Judge, Gaya, in Criminal Appeal (Juvenile) No. 10 of 2016 as also the order dated 4.2.2016 passed by the Principal Magistrate, Juvenile Justice Board, Gaya, in G.R. No. 6273 of 2015 arising out of Rampur P.S. Case No. 295 of 2015, are, hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

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| CAV DATE          | N/A        |
| Uploading Date    | 28/06/2016 |
| Transmission Date | 28/06/2016 |