

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.658 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District-
EASTCHAMPARAN(MOTIHARI)

1. Shamim Akhtar @ Shamim Mian son of Puran Mian Resident of Village -
Bangra, P.S. - Sugauli, Dist. - East Champaran. under guardianship of his mother
Hasan Tara wife of Puran Mian, Resident of village - Bangra, P.S. - Sugauli, Dist. -
East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Respondent/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-02-2016

Heard learned Counsel for the petitioner and the State.

This revision application has been filed for setting aside the
judgment dated 21.5.2015 passed by the 1st Additional Sessions
Judge, East Champaran, Motihari in Criminal Appeal No.45 of
2015/04 of 2015, by which he has affirmed the order dated 4.4.2015
passed by the Principal Magistrate, Juvenile Justice Board, Motihari
in Sugauli P.S. case No.415 of 2014 corresponding to Trial No.797 of
2015, by which he has refused to release the Petitioner.

Considering that the Petitioner's father undertakes his
responsibility, **let the petitioner above named, be released after
examination of the victim girl** 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, Motihari in Sugauli P.S. case No.415 of 2014 corresponding to Trial No.797 of 2015, subject to the conditions (i) That one of the bailor shall be 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 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 21.5.2015 passed by the 1st Additional Sessions Judge, East Champaran, Motihari in Criminal Appeal No.45 of 2015/04 of 2015 as also the order dated 4.4.2015 passed by the Principal Magistrate, Juvenile Justice Board, Motihari in Sugauli P.S. case No.415 of 2014 corresponding to Trial No.797 of 2015 is, hereby, set aside.

(Anjana Prakash, J)

Narendra/-

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