

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.937 of 2015

Arising Out of PS.Case No.117 Year 2015 Thana Kesariya, District- EAST CHAMPARAN (MOTIHARI)

Suraj Singh, Son of Sri Uma Shnkar Singh, Resident of Village -Tarwa Majhaulia,
P.S.- Paroo, District - Muzaffarpur under the guardian of his father namely Sri Uma
Shankar Singh, Son of Late Jagdish Pd. Narayan Singh

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

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

For the State : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-03-2016

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 5.8.2015 passed by the Sessions Judge, East Champaran at Motihari, in Criminal Appeal (Juvenile) No. 90 of 2015 by which he has affirmed the order dated 21.7.2015 passed by the Juvenile Justice Board, East Champaran at Motihari, in Trial No. 875 of 2015 arising out of Kesariya P.S. Case No. 117 of 2015, G.R. No. 2343 of 2015, by which he has refused to release the Petitioner.

Considering the period of custody and the undertaking of the father 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 Juvenile Justice Board, East Champaran at Motihari, in connection with Trial No. 875 of 2015



arising out of Kesariya P.S. Case No. 117 of 2015, G.R. No. 2343 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. 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.

In view of the above circumstances, the petitioner is directed to appear before the Head Priest of any local temple situated at Motihari Town, within fifteen days of his release from jail custody on provisional bail for a period of six months and file a certificate

about the same in the court within the stipulated time. In case, the petitioner fails to file certificate about reporting to the Head Priest within two weeks of his release from jail custody, notice shall be sent to him for cancellation of bail. During the period of six months, the petitioner is expected to engage himself in fruitful activities under the guidance of the Head Priest of any local temple situated at Motihari East Champaran, and at the end of the six months, the petitioner will be required to file a certificate of his conduct in the court below granted by the Head Priest. If the certificate granted to the petitioner is found satisfactory, the court below will confirm the provisional bail granted to the petitioner or else will issue notice for cancellation of bail.

Accordingly, the revision application is allowed and the Judgment and order dated 5.8.2015 passed by the Sessions Judge, East Champaran at Motihari, in Criminal Appeal (Juvenile) No. 90 of 2015 as also the order dated 21.7.2015 passed by the Juvenile Justice Board, East Champaran at Motihari, in Trial No. 875 of 2015 arising out of Kesariya P.S. Case No. 117 of 2015, G.R. No. 2343 of 2015, are hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

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