

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 943 of 2015

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MASUK KHAN @ MANTU @ MD. MASHUQUE KHAN Son of
Md. Khalil Khan through his elder brother Wahab Khan s
natural guardian, Resident of Village- Jhurang, P.S.-
Fatehpur, District- Gaya. Petitioner/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Respondent/s: Mr. Binod Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 08.02.2016

Heard learned counsel for the Petitioner and the
State.

This revision application has been filed for setting
aside the judgment and order dated 16.09.2015 passed by the
Additional District & Sessions Judge-III, Gaya in Cr.
(Juvenile) Appeal No. 4 of 2015/41 of 2015, by which he has
affirmed the order dated 25.07.2015 passed by the Principal
Magistrate, Juvenile Justice Board, Gaya in Mahila P.S. Case
No. 12 of 2015, by which he has refused to release the
Petitioner.

Considering that the brother of the Petitioner
undertakes his responsibility, 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 Principal Magistrate,
Juvenile Justice Board, Gaya in Mahila P.S. Case No. 12 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 and the other bailor shall be the brother of the Petitioner namely Wahab Khan. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) 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. (iii) 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. (iv) 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 16.09.2015 passed by the Additional District & Sessions Judge-III, Gaya in Cr. (Juvenile) Appeal No. 4 of 2015/41 of 2015, by which he has affirmed the order dated 25.07.2015 passed by the Principal Magistrate, Juvenile Justice Board, Gaya in Mahila P.S. Case No. 12 of 2015 is, hereby, set aside.

(Anjana Prakash, J.)

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