

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

**Criminal Revision No.404 of 2015**

Arising Out of PS.Case No. 58 Year 2014 Thana Harsidhi District- EAST CHAMPARAN (MOTIHARI)

Jalauddin Ansari @ Md. Jallauddin, son of Late Kawaljan Ansari alias Kawaljan Mian resident of village - Bhadh, P.S. - Harsidhi District - East Champaran under the natural guardianship of his mother namely Ashma Khatoon, resident of village - Bhadha, P.S. - Harsidhi, District - East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sunil KUMAR NO. III, ADV.

For the State : Mr. Shailendra Kumar 2, A.P.P.

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

**ORAL JUDGMENT**

**Date: 10-05-2016**

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the Judgment and order dated 27.2.2015 passed by the Sessions Judge, East Champaran, Motihari, in Criminal Appeal (Juvenile) No. 12 of 2015, by which he has affirmed the order dated 16.1.2015 passed by the Juvenile Justice Board, Motihari, in Trial No. 949 of 2014 arising out of Harsidhi P.S. Case No. 58 of 2014, G.R. No. 973 of 2014, by which he has refused to release the Petitioner.

Considering the facts of the case and also that the Petitioner has fair antecedents, 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, Motihari, East Champaran, in Trial No. 949 of 2014 arising out of Harsidhi P.S. Case No. 58 of 2014, G.R. No. 973 of 2014 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 mother of the Petitioner, namely Ashma Khatoon. 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 27.2.2015 passed by the Sessions Judge, East Champaran, Motihari, in Criminal Appeal (Juvenile) No. 12 of 2015, as also the order dated 16.1.2015 passed by the Juvenile Justice Board, Motihari, in Trial No. 949 of 2014 arising out of Harsidhi P.S. Case No. 58 of 2014, G.R. No. 973 of 2014, is, hereby, set aside.

**(Anjana Prakash, J)**

S.Ali/-

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