

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.975 of 2015

Arising Out of P.S. Case No. 374 Year 2015 Turkaulia District EAST CHAMPARAN(MOTIHARI)

Vipin Kumar @ Bipin Kumar, son of Shri Hiranman Sah, resident of village- Amwa,
P.S.- Turkaulia, District- East Champaran, under the guardian of his father, namely,
Shri Hiranman Sah son of late Deolal Sah

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

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

For the State : Mr. Ataur Rahman, 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 31.8.2015 passed by the Sessions Judge, East Champaran at Motihari, in Criminal Appeal (Juvenile) No. 095 of 2015, by which he has affirmed the order dated 14.7.2015 passed by the Juvenile Justice Board, East Champaran at Motihari, in Trial No. 872 of 2015 arising out of Turkaulia P.S. Case No. 374 of 2015, G.R. No. 2223 of 2015, by which he has refused to release the Petitioner.

Considering the period of custody and the fair antecedents of the Petitioner as also that his father undertakes his responsibility, 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, Distt. East Champaran, in connection with Turkaulia P.S. Case No. 374 of 2015, G.R. No. 2223 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.

Accordingly, the revision application is allowed and the Judgment and order dated 31.8.2015 passed by the Sessions Judge, East Champaran at Motihari, in Criminal Appeal (Juvenile) No. 095 of 2015 as also the order dated 14.7.2015 passed by the Juvenile Justice Board, East Champaran at Motihari, in Trial No. 872 of 2015 arising out of Turkaulia P.S. Case No. 374 of 2015, G.R. No. 2223 of 2015 are, hereby, set aside.

(Anjana Prakash, J)

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