

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.852 of 2015

Arising Out of PS.Case No. 101 Year 2015 Thana Khaira District- SARAN

=====

Himanshu Kumar @ Raju Kumar Singh, Son of Shri Manoj Kumar Singh @ Manoj Kumar, Resident of Village – Mehiya, P.S.- Chapra Mufassil, District - Saran (Chapra) under the guardian of his father namely Manoj Kumar Singh @ ManojKumar

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Adv.

For the State : Mr. Ajay Kumar No. 1, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 11-02-2016

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the order dated 19.9.2015 passed by the Sessions Judge, Saran at Chapra, in Cr. (Juvenile) Appeal Nos. 113 of 2015, by which he has affirmed the order dated 4.9.2015 passed by the Juvenile Justice Board, Saran at Chapra in J.J.B. Case No. 1446 of 2015 arising out of Khaira P.S. Case No. 101 of 2015, by which he has refused to release the Petitioner.

In view of the weak nature of circumstances against the Petitioner and the fact 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, Saran at Chapra, in connection with J.J.B. Case No. 1446 of 2015 arising out of Khaira P.S. Case No. 101 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 and the other shall be the father of the Petitioner, namely, Manoj Kumar Singh. 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 order dated 19.9.2015 passed by the Sessions Judge, Saran at Chapra, in Criminal (Juvenile) Appeal No. 113 of 2015 as also order dated 4.9.2015 passed by the Juvenile Justice Board, Saran at Chapra, in J.J.B. Case No. 1446 of 2015 arising out of Khaira P.S. Case No. 101 of 2015 are, hereby, set aside.

S.Ali/-

(Anjana Prakash, J)

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