

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 168 of 2016

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Mohit Kumar @ Mohit Kumar Rathaur, Son of Binod Kumar Singh, Resident of Village-Kadarkat, P.S.-Ghorasahan, District-East Champaran under the guardianship of his father namely Binod Kumar Singh, R/o Village-Kadarkat, P.S.-Ghorasahan, District-East Champaran..... .. Petitioner/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Adv.

For the Respondent/s: Mr. M. Rab (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

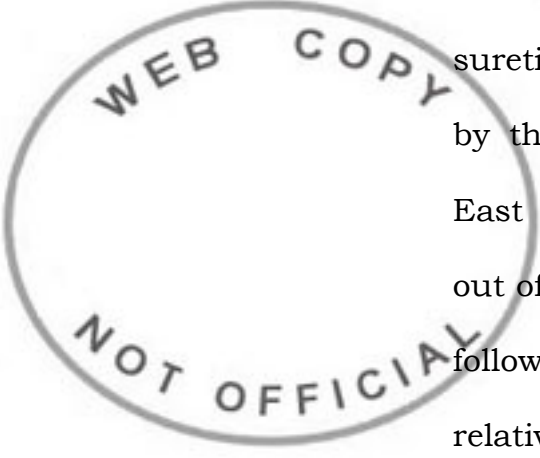
04. 12.05.2016

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the judgment and order dated 22.12.2015 passed by the 7th Additional Sessions Judge, East Champaran at Motihari in Cr. Appeal (Juvenile) No. 139 of 2015/103 of 2015, by which he has affirmed the order dated 10.11.2015 passed by the Juvenile Justice Board, East Champaran at Motihari in Tr. No. 910 of 2015 arising out of Motihari Town P.S. Case No. 513 of 2015, by which he has refused to release the Petitioner.

It has been submitted that inadvertently in Paragraph 6 it has been mentioned that the Petitioner has fair antecedents.

Considering that there is no direct material against the Petitioner who has fair antecedents and his father



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 Juvenile Justice Board, East Champaran at Motihari in Tr. No. 910 of 2015 arising out of Motihari Town P.S. Case No. 513 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 father of 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 on bail. (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 bail 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 bail 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 bail will be liable to be cancelled.

Accordingly, the revision application is allowed and the judgment and order dated 22.12.2015 passed by the 7th Additional Sessions Judge, East Champaran at Motihari in Cr. Appeal (Juvenile) No. 139 of 2015/103 of 2015, by which he has affirmed the order dated 10.11.2015 passed by the Juvenile Justice Board, East Champaran at Motihari in Tr. No. 910 of 2015 arising out of Motihari Town P.S. Case No. 513 of 2015 is, hereby, set aside.

Vikash/-

(Anjana Prakash, J.)

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