

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No. 231 of 2016

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Ashish Kumar Mishra @ Ashish Kumar Mishra S/o Manoj Kumar Mishra @ Manoj Kr. Mishra, Resident of Tiwari Tola, Ward No. 33, Saharsa, P.S.- Saharsa, District- Saharsa under the guardianship of his father Manoj Kumar Mishra @ Manoj Kr. Mishra.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Respondent/s: Mr. Arbind Kr. Pandey (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 05.04.2016

Heard learned counsel for the Petitioner and the State.

This revision application has been filed for setting aside the judgment and order dated 20.01.2016 passed by the Sessions Judge, Saharsa in Cr. Appeal No. 41 of 2015, by which he has affirmed the order dated 04.11.2015 passed by the Juvenile Justice Board, Saharsa in G.R. No. 1852 of 2015 arising out of Saharsa P.S. Case No. 524 of 2015, by which he has refused to release the Petitioner.

Considering that there is no eyewitness to the actual murder and the Petitioner has fair antecedents as also his uncle, Anoj Kumar Mishra undertakes his responsibility, let the Petitioner, above named 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 Member, Juvenile Justice Board, Saharsa in G.R. No. 1852 of 2015 arising out of Saharsa P.S. Case No. 524 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 uncle of the Petitioner namely Anoj Kumar Mishra. 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 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 20.01.2016 passed by the Sessions Judge, Saharsa in Cr. Appeal No. 41 of 2015, by which he has affirmed the order dated 04.11.2015 passed by the Juvenile Justice Board, Saharsa in G.R. No. 1852 of 2015 arising out of Saharsa P.S. Case No. 524 of 2015 is, hereby, set aside.

(Anjana Prakash, J.)

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