

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7760 of 2020

Arising Out of PS. Case No.-534 Year-2019 Thana- JAYNAGAR District- Madhubani

1. RAHUL KUMAR @ RAHUL PRASAD GUPTA, Son of Sri Jagarnath Kanskar @ Ram Nath Prasad
2. Jagarnath Kanskar @ Ram Nath Prasad, Son of Late Singheshwar Prasad Kanskar @ Singheshwar Prasad
Both Resident of Mohalla- Water wage Chowk, Chitragupta Colony, P.S- Jay Nagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan
For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 420, 188, 34 of the Indian Penal Code read with Section 9(b) of the Explosive Act.

Informant who is Block Development Officer, Jay Nagar, in her written complaint addressed to S.H.O. Jay Nagar, has alleged that she along with other police personnel raided the house and godown of the petitioners and seized huge quantity of crackers which were stored for unauthorized selling.

It has been submitted on behalf of the petitioners that



they are innocent and have been falsely implicated in this case. It has further been submitted that petitioner no.2 is old wholesaler of the crackers carrying his business and petitioner no.1 is his son, who is studying in graduation. It has been contended that petitioner no.1 has already applied for granting licence which is still pending before the authority concerned. The licensing authority has given him assurance that his licence would be granted very soon and in anticipation of getting licence, petitioner purchased crackers but meanwhile, due to non- fulfillment of demand of big amount, the raid was conducted by the authorities. It has been lastly contended by the petitioners that Section 420 is not attracted against petitioners as the case was not lodged by the owner of the house, in which business of crackers was going on, rather the same was lodged by the B.D.O. concerned. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is



pending in connection with Jay Nagar P.S. Case No.534 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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