

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10089 of 2024

Arising Out of PS. Case No.-619 Year-2023 Thana- BUXAR District- Buxar

1. Lallan Prasad S/O LATE HIRA LAL JAISWAL RESIDENT OF THATHERI BAZAR, WARD NO. 25, PS.- BUXAR TOWN, DISTT. BUXAR.
2. ABHESHEK JAISWAL S/O LATE RAMESH PRASAD JAISWAL RESIDENT OF THATHERI BAZAR, WARD NO. 25, PS.- BUXAR TOWN, DISTT. BUXAR.
3. LALLU PRASAD KESHRI S/O LATE SATYA NARAYAN PRASAD @ LATE SATYA NARAYAN KESHRI RESIDENT OF THATHERI BAZAR, WARD NO. 25, PS.- BUXAR TOWN, DISTT. BUXAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10413 of 2024

Arising Out of PS. Case No.-619 Year-2023 Thana- BUXAR District- Buxar

MD. EHASAN S/o Late Md. Lukaman R/o Mohalla-Thatheri Bazar, P.S.- Buxar(T), Dist.-Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10089 of 2024)

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Anita Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 10413 of 2024)

For the Petitioner/s : Mr. Dr.Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard Mr. Ajit Kumar Singh, learned counsel for the

petitioner and Mrs. Anita Kumari, learned APP for the State (Cr.

Misc. No. 10089 of 2024) and Dr. Kamal Deo Sharma, learned



counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State (Cr. Misc. No. 10413 of 2024).

2. The petitioners in both the cases apprehend their arrest in connection with Buxar Town P.S. Case No. 619 of 2023 registered under Sections 188 and 286/34 of the Indian Penal Code and Section 5 of the Explosive Substance Act, 1908 lodged on 10.11.2023 by the informant, Nidhi Jyotsna.

3. It is the case of the informant that without having any license, the accused persons were selling crackers in the Buxar Town and accordingly, the same was seized/recovered and FIR lodged.

4. Mr. Ajit Kumar Singh, learned counsel for the petitioners submit that they are petty shopkeepers and every year, for 15 days, license were granted to them and in the year 2023 too, they made an application and in anticipation that 15 days license will be granted and since the '*Deepawali*' festival was near, they started selling crackers for which they are being prosecuted. It is the further submission on behalf of the learned counsels that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners would like to contribute 10,000/- each to the Chief Minister's Relief Fund.

5. Learned APP for the State, on the other hand,



opposes the prayer for anticipatory bail stating that though license was granted to them earlier that cannot be the basis for selling the crackers in anticipation.

6. Having gone through the facts of the case as also the submissions put forward by the parties, they are petty shopkeepers, do not have criminal antecedent, in anticipation they started selling the crackers, FIR lodged and will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail subject to they payment of Rs. 10,000/- each by the petitioner in both the aforesaid cases to the Chief Minister's Relief Funds.

7. Let the petitioners in both the above cases, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 619 of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;



(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. Both the aforesaid anticipatory bail applications stand allowed.

(Rajiv Roy, J)

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