

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18765 of 2024

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

-
1. Pashupati Nath @ Pashupati Nath Jaiswal Son of Bhagwati Shankar Jaiswal Resident of Village- Thatheri Bazar, Ward No. 25, Police Station- Buxar (Town), District- Buxar
 2. Krishna Jaiswal Son of Late Jagdish Prasad R/o Village- Thatheri Bazar Ward No. 25, P.S.- Buxar (Town), Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shreekant Pandey, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Buxar (Town) P.S. Case No. 619 of 2023 instituted under Sections 188, 286/34 of the Indian Penal Code and section 5 of Explosive Substance Act lodged on 10.11.2023 by the informant, Nidhi Jyotsana.

3. As per the prosecution story, the informant alleged 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. Learned counsel for the petitioners submit that they had applied for license and was expecting approval, little realizing that this FIR has been thrust upon them. The further submission is that earlier also they used to make application for



license and in anticipation used to sell crackers but undertake that henceforth unless the license is there, they will not resort to these acts again. The further submission is that irrespective of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 10,000/- to the Chief Minister's Relief Fund. The last submission is that similar situation other persons have been extended relief in Cr. Misc. No. 10089 of 2024 and analogous cases.

5. Learned APP opposes the prayer submitting that making application does not allow a person to illegally sell crackers.

6. Taking into account the aforesaid facts, they are petty shopkeepers, do not have criminal antecedent, FIR has been lodged, they will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the Chief Minister's Relief Fund.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Buxar (Town) P.S. Case No. 619 of 2023 to the satisfaction of learned Chief



Judicial Magistrate, Buxar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) 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 the bail bonds;

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

(Rajiv Roy, J)

Ravi/-

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

