

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29848 of 2024**

Arising Out of PS. Case No.-672 Year-2023 Thana- JAMUI District- Jamui

Aakash Kumar Keshri @ Aakash Keshari S/o Lal Mohan Keshari R/o House
No. 136, Maharajganj Chauk, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Jamui P.S. Case No. 672 of 2023 for the offence under sections 107, 108, 20(A), 120(B), 336 of the I.P.C. and section 9(B)/9(C) Explosive Act, 1884 & 3/4/5 of Explosive Substance Act, 1908 lodged on 13.11.2023 by the informant, Kundan Kumar Gupta.

3. As per the prosecution story, the informant alleged that during Deepawali festival, on a random checking, crackers were found outside the shop of the petitioner, as he failed to provide license for selling the same, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that inspection is alleged to



have been done on 06.11.2023 while the informant lodged FIR on 13.11.2023. It clearly shows that he has been implicated. Further, he is ready to appear in trial and do not have criminal antecedent.

5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- in the following manner:

(i) Rs. 5,000/- to to the Chief Minister's Relief Fund;

(ii) Rs. 5,000/- to the District Legal Services Authority, Jamui which shall be used only for the purchase of journals inasmuch as:

(a) the journals worth Rs. 3,000/- will be purchased for the DLSA, Jamui for itself while

(b) the journals worth rest Rs. 2,000/- shall be purchased and handed over through the President/Secretary of the Jamui Bar Association.

6. Learned APP opposes the prayer.

7. Taking into account the aforesaid facts as also that the informant has delayed in lodging of the FIR, the petitioner do not have criminal antecedent, shall be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail



subject to payment of Rs. 10,000/- as stated above.

8. Let the petitioner be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned C.J.M., Jamui, in connection with Jamui P.S. Case No. 672 of 2023 subject to the conditions 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 petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

(Rajiv Roy, J)

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