

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9040 of 2021**

Arising Out of PS. Case No.-103 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

NEERAJ KUMAR YADAV @ PALTU YADAV Son of Wakil Yadav Resident  
of Mohalla - Adarsh Colony, surkhikal Bhatta, Police Station - Barari, District  
- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      02-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Ishakchak PS Case No. 103 of 2020 registered under Sections 399, 402 of the IPC, Sections 3, 4 of the Explosive Substance Act and Sections 25(1-b)a, 26, 35 of the Arms Act.

The petitioner along with three other persons has been apprehended. From the possession of the petitioner, there is alleged recovery of one empty country made pistol.

It is submitted by learned Counsel for the petitioner that based on several antecedents of the petitioner in nine cases as per disclosure in the bail application, he has been implicated in this case. Recovery of the empty country made pistol is denied and disputed. It



is submitted that the recovery is not in accordance with law. Other similarly situated co-accused Om Kumar Lalla and Saurabh have since been enlarged on bail. Petitioner is in custody since 3.9.2020 and chargesheet has already been submitted.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Bhagalpur in Ishakchak PS Case No. 103 of 2020 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

SNkumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

