

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22860 of 2021

Arising Out of PS. Case No.-170 Year-2020 Thana- GAYA KOTWALI District- Gaya

RAJESH YADAV Son of Late Vishnu Yadav Resident of Mohalla- Gol Bagicha (Gabra Par), P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 11.09.2020,
seeks regular bail in connection with Kotwali P.S. Case No. 170
of 2020, for the offence punishable under Sections 3 /4 of the
Explosive Substance Act.

The prosecution case, in brief, is that on
29.04.2020 at about 19.00 hours, the informant Ramakant
Tiwary, S.I. of Police-cum-S.H.O, Kotwali P.S. got information
that petitioner, who is accused in Kotwali P.S. Case No. 156 of
2020 was selling illegal wine with his brother Mahesh Yadav in
his newly constructed triple storied house and were also hindering



and stocking wine in his old double storied house and they also have gun, bomb and cartridge and used to play gambling and due to fear, no body dare to say anything against them. The informant gave information to the Senior Police Officials. A raid was conducted at the house of petitioner, where petitioner was found absconding. During search of newly constructed triple storeyed house of petitioner, a Jhola containing two live bombs and bomb making materials were recovered and seizure-list was prepared at the spot in presence of mother of petitioner and a copy of seizure-list was given to her and the said recovered bombs were destroyed.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the alleged bomb, which was defused, and other material for preparing the bomb were kept in his semi-constructed house, which is accessible to anyone.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that petitioner is a habitual offender and about 17 cases are pending against him and as such dangerous material was kept in the



house of petitioner for causing danger to the human life and property and prima facie there is reasonable suspicion that petitioner is involved in manufacturing of bomb as such he does not deserve to be enlarged on bail.

Considering the above mentioned facts and circumstances of the case, the Court below is directed to obtain criminal antecedent report from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner, as what has been stated in paragraph No.3 of the present bail application as well as paragraph No. 4 of the supplementary affidavit filed on behalf of the petitioner, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 170 of 2020, subject to the following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers 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 petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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