

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60298 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Neeraj Yadav @ Niraj Yadav, aged about 21 years, male, Son of Bhajju Singh Yadav Resident of Near I.T.I Field, Buxar Town, P.S- Buxar (Town)
Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv.

For the State : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Buxar (Muffassil) PS Case No. 169 of 2022, registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The police have received a secret information that accused of *Itarhi PS Case No. 124 of 2022*, are moving on the highway, than a check-post has been placed. The petitioner along with co-accused was apprehended while they were going on motorcycle. There is alleged recovery of one country made pistol and three live cartridges from the petitioner.

Learned counsel for the petitioner submits that insofar as criminal liability in the instant case is concerned, it has been fabricated as being arising out of recovery of the arms and ammunition, which was planted. In fact, the petitioner is accused in the *Itarhi PS Case No. 124 of 2022*, and the said case is still pending apart from other four cases, which are pending against the petitioner. He is stated to be in custody in this case since 28-04-2022. The submission is that recovery is not supported by a seizure memo



prepared in accordance with law.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Buxar, in connection with Buxar (Muffassil) PS Case No. 169 of 2022, 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)

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