

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15782 of 2019

Arising Out of PS. Case No.-799 Year-2018 Thana- SIWAN CITY District- Siwan

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Kallu Chauhan, Son of Fagulal Chauhan, Resident of Village - Dakshin Tola,
P.S.- Siwan Town, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 01.02.2019 in a case registered for the offences punishable under Sections 382, 511/34 of the Indian Penal Code, Section 37(c) of Bihar Prohibition and Excise Act, 2016 and Sections 25(1-B)a/26/35 of the Arms Act.

The prosecution case as per the written report of Suresh Singh, A.S.I. of Siwan Town P.S. submitted to the Station House Officer of Siwan Town P.S. on 21.12.2018 is to the effect that on the same day at 2.10 P.M., near Fruit market, four persons were trying to snatch something from a passenger who was travelling on a hand rickshaw and on seeing the police



personnel, they started fleeing away but on chase being made, one person was apprehended though three persons managed to escape from the scene. The apprehended person disclosed his name as Nandu Kumar Tiwary and from possession of the apprehended person, a country made pistol loaded with magazine, two live cartridges and a mobile phone were recovered., who also disclosed the name of the persons, who escaped from the scene, as Kallu Chauhan, the petitioner, co-accused, Bablu Chauhan and Sonu @ Sami @ Bulla.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the confession of apprehended co-accused Nandu Kumar Tiwary. The petitioner is accused in one another case also.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused Nandu Kumar Tiwary.

Considering the fact that there is no recovery from the conscious physical possession of the petitioner and the petitioner has not been put on T.I. Parade, let the above named petitioner 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 learned Additional Sessions Judge- 2nd
cum Special Judge, Excise, Siwan in connection with Siwan
Town P.S. Case No. 799 of 2018.

(Dinesh Kumar Singh, J)

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