

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36489 of 2019**

Arising Out of PS. Case No.-325 Year-2018 Thana- MAIRWAN District-
Siwan

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SHEOSHANKAR CHAUHAN @ SHEO SHANKAR KUMAR CHAUHAN, aged
about 23 years, male, Son of Kanhaiya Chauhan Resident of Village -
Sumerpur, P.S.- Mairwa, Dist.- Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 13-06-2019

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

2. The petitioner is in custody since 20.05.2019 in
connection with Mairwa P.S. Case No. 325 of 2018 for the
offences alleged under Sections 272, 273, 308, 34 of the Indian
Penal Code and Sections 30(1), 38(1) and 41(1) of Bihar Excise
and Prohibition Act, 2016.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of 238 litres of wine from
a car from which three persons fled away. The petitioner was not
arrested at the spot. The seizure list does not contain the
signature of any independent witness nor complies with the
requirements of Section 100 Cr. PC. which creates considerable
doubt about the veracity of the prosecution story. The petitioner
claims clean antecedents.

4. Be that as it may, let the petitioner above named be
released on bail on furnishing bail bond of Rs.10,000/-(ten
thousand) with two sureties of like amount each to the
satisfaction of learned 2nd Additional Sessions Judge, Siwan cum



Special Judge, Siwan, in connection with Mairwa P.S. Case No. 325 of 2018, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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