

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44133 of 2021

Arising Out of PS. Case No.-563 Year-2020 Thana- SIWAN CITY District- Siwan

GOVINDA CHAUHAN @ SONU Son of Chhathi Lal Chauhan @ Chhathi Lal Chauhan Resident of Village - Dakhin Tola, P.S. - Siwan Town, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

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

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

Petitioner, who is in custody since 07.12.2020, seeks regular bail in connection with Siwan Town P.S. Case No. 563 of 2020 registered for offences punishable under Sections 414/34 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

Prosecution case, in brief, is that four thousand rupees was recovered from the possession of the petitioner namely, Govinda Chauhan @ Sonu and one loaded pistol along with live



cartridge was recovered from the possession of one Baiju Kumar who were sitting at *Andar Dhala* near *Mahavir Mandir* to commit a crime and were got apprehended by the police along with the aforesaid cash of 4000/- and pistol along with live cartridge. Accordingly, seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that Rs. 4000/- cash was recovered from the possession of the petitioner. No incriminating article and no fire-arm were recovered from the possession of the petitioner. Petitioner has falsely been implicated in this case on the basis of suspicion. He further submits that the said money which has been recovered from the possession of the petitioner was self earned money. There is only allegation against the petitioner to have assembled to commit crime along with other co-accused. He is in custody since 07.12.2020. There is no allegation of tampering the evidence or influencing the witnesses.

Learned A.P.P., has opposed the prayer for grant of bail to the petitioner. He submits that petitioner is a habitual criminal and two other criminal cases are pending against him. There is every likelihood if the petitioner got released on bail he will commit offence which is against the public interest.

Considering the facts and circumstances of the case,



period of custody of the petitioner, there is no allegation of tampering the evidence or influencing the witnesses as well as trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Siwan Town P.S. Case No. 563 of 2020 subject to the following conditions:

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

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

(iii) 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.

(Purnendu Singh, J)

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