

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54791 of 2021**

Arising Out of PS. Case No.-558 Year-2020 Thana- SIWAN CITY District- Siwan

Govinda Chauhan Son of Chhathi Lal Chauhan Resident of Mohalla- 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. Rajendra Nath Jha, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 31-03-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Siwan Town P. S. Case No. 558 of 2020 registered for the offences punishable under Sections 394 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on the alleged date of occurrence on 04.12.2020, while the informant was coming along with his friend, three persons boarded on one motorcycle, chased them and intercepted the informant. It is further stated that one of them snatched his bag, in the meantime, another accused person fired upon his leg due to which he fell down and



thereafter, all the accused persons looted his articles and fled away.

It has been submitted on behalf of the petitioner that the petitioner is not named in the F.I.R. and in fact he was arrested in Siwan Town P. S. Case No. 563 of 2020 and from there, he was remanded in two other cases including the present one. It is next submitted that though the petitioner is in custody since 12.01.2021 but till date, the petitioner has not been put on T.I.P. and moreover no incriminating material or any looted article has been recovered from the possession of this petitioner. He next submits that except the confessional statement, nothing has come during the course of investigation regarding involvement of this petitioner.

On the other hand, learned APP for the State has submitted that from the possession of this petitioner Rs. 4,000/- has been recovered which has been controverted by the learned counsel for the petitioner stating that the recovery has been made after 12 days of alleged occurrence when he was arrested.

Having considered this fact that the petitioner is not named in the F.I.R. and his name came during the course of investigation and he has been remanded in this case and recovery, if any, has been made after 12 days of the alleged



occurrence, let this petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P. S. Case No. 558 of 2020, subject to the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without cogent reason, his bail bonds shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Harish Kumar, J)

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