

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21802 of 2016

=====

1. Mohan Choudhary @ Mohan Kumar S/o Nageshwar Choudhary @
Jageshwar Choudhary, Resident of village- Manaini, P.O.- Tungi, P.S.-
Wajirganj, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Surendra Kumar(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 14-07-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 461, 379, 295, 411, 414 and 420 of the I.P.C, section 25 of the Antiquities Act and section 30 (I) (III) of the Ancient Monument and Archeological Act, 1958.

The petitioner is not named in the First Information Report, his name transpires during investigation in the confessional statement of co-accused Ram Bilash Chaudhary.

Submission is of false implication and that nothing has been recovered from possession of the petitioner, the stolen idol was recovered from the field, the petitioner is an accused in Khaira P.S. Case No. 252 of 2015 wherein he is on bail, besides

that against the petitioner no other case is going on, in this case other co-accused, namely, Ram Bilash Chaudhary, Shailesh Kumar @ Lalesh Paswan and Shaktidhar Dwivedi have already been allowed bail and the petitioner is suffering in custody since 18.01.2016.

The learned A.P.P. fairly submits that other co-accused have been allowed bail.

In the facts and circumstances as stated above, the petitioner is also directed to 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 C.J.M. Aurangabad in Goh P.S. Case No. 176 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--