

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22838 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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Ujjawal Kumar, Son of Lalan Sharma @ Lalan Thakur, Resident of Village-
Baruraj, P.S. Baruraj, District- Muzaffarpur, at present Resident of Village-
Saketpur, P.S. - Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

Mrs. Kumari Vandana, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Jitendra Narain Sinha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bettiah Nagar P.S. Case No. 291 of 2021
registered for the offences punishable under Section 414 of the
Indian Penal Code and Sections 30(i), 30(ii) of the Indian
Archaeological Sites and Remains Act.

As per prosecution case, it is alleged that the police on
an information, apprehended one Md. Ali and on search being



made five idols of God and Goddess were recovered, besides one Mobile.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R., however, during the course of investigation, the name of the petitioner transpired on the confessional statement of co-accused Md. Ali, who disclosed about the complicity of this petitioner. It is further submitted that the petitioner has no concern with the F.I.R. named accused persons, apart from the fact that no recovery has been made from the person or possession of this petitioner and save and except the confession, there is no other material, which suggests the complicity of this petitioner and the petitioner is in custody since 10.12.2021, though the investigation of the crime is already completed.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent and has found involved in five other criminal cases.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner transpired on the confessional statement of co-accused and moreover no stolen and any incriminating material



has been recovered from the person or possession of this petitioner and he is in custody since 10.12.2021, though the investigation of the crime is already completed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah in connection with Bettiah Nagar P.S. Case No. 291 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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