

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26763 of 2022

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

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MD. ALI @ MD. KAISHAR @ SHEIKH MD. ALI JAHAN Son of Md.
Zaheer Resident of Village - Agarwa Near chhoti Masjid, P.S. - Motihari
Town, District - East champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-09-2022 Learned counsel for the petitioner is permitted to

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

period of four weeks from today.

Heard Ms. Rashmi Jha, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Bettiah Town P. S. Case No. 291 of 2021
registered for the offences punishable under Sections 414 of the
Indian Penal Code and 30(i), 30(ii) of the Indian Archaeological
Sites and Remains Act.

As per the prosecution case, it is alleged that on a



secret information, the informant along with other police personnel apprehended the petitioner and on search, three “Asht Dhatu” statue of God and other incriminating articles were recovered.

Learned counsel appearing on behalf of the petitioner submitted that so far the recovery is concerned, it has not come during the course of investigation that the recovered statue are stolen property and moreover, all the offences are triable by the magistrate and the petitioner is incarceration since 03.05.2021. It is next submitted that there is no compliance of Section 100 of the Cr.P.C. and moreover, after completion of the investigation, charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the incriminating articles has been recovered from the possession of the petitioner. It is also submitted that the petitioner has multiple criminal antecedent in as much as he is found involved in five other criminal cases.

Having considered the submissions made on behalf of the parties and taking into account the period of incarceration coupled with the fact that the investigation of the crime is already completed and the petitioner is on bail in all other cases



except the present one, let the petitioner, above named, 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, West Champaran at Bettiah in connection with Bettiah Town P. S. Case No. 291 of 2021, subject to the condition that one of the bailors will be the close relative 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 step for cancelling of bail bond of the
petitioner. However, the acceptance of bail bonds
in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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