

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58755 of 2021

Arising Out of PS. Case No.-114 Year-2021 Thana- GAUNAHA District- West Champaran

1. Kedar Mahto, S/o Late Sheshnath Mahto, Resident of Village- Dhumani Parsa, P.S. - Matiyaria, District - West Champaran.
2. Ramcharan Diswa @ Ramchandra Diswa, S/o Late Rambharosh Diswa, Resident of Village- Dhumani Parsa, P.S. - Matiyaria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-04-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Gaunaha P.S. Case No. 114 of 2021 for the offences punishable under Sections 411, 413, 414 of the Indian Penal Code and Sections 30(i)/30(ii) of the Ancient Monuments Archaeological Sites & Remains Act, 1958.

As per prosecution case, it is alleged that on a secret information the police intercepted a Motorcycle, which was



being rided by these two petitioners. On search, one statue of Lord Budha weighing 11.60 Kg kept in a bag was recovered from the possession of petitioner no.2. It is alleged that the statue has been brought from Nepal for the purpose of selling in India.

It is submitted on behalf of learned counsel for the petitioner that with regard to recovered statue, there is no case instituted anywhere and as such it was not a stolen property and at best it is case that the statue was purchased at Nepal and the same has been brought to India for selling. It is next submitted that these petitioners having no criminal antecedent and are in custody since 13.06.2021. It is further submitted that the investigation of the case has already been completed and charge-sheet has also been submitted and as such there is no chance of absconding of the petitioners from the course of justice and tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that with regard to alleged recovered statute no substantive F.I.R. has been instituted and these two petitioners have got clean



antecedent and are in custody since 13.06.2021, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 114 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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