

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60519 of 2021**

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

Manoj Kumar Gupta, S/O Late Dinanath Sah, R/O Village- Bhikhana Thori,
P.S.- Sahodara, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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

2 15-04-2022 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 learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is 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) and 30(ii) of the Ancient Monuments Archaeological Sites & Remains Act, 1958.

As per prosecution case, it is alleged that on 12.06.2021, the police on a secret information intercepted a Motorcycle, which was being ridden by the co-accused Kedar Mahto and Ramcharan Diswa. On search, one statue of Lord



Budha weighing 11.60 Kg kept in a bag was recovered from the possession of co-accused Ramcharan Diswa. It is alleged that the statue was brought from Nepal for the purpose of selling it in India.

It is submitted on behalf of learned counsel for the petitioner that this petitioner is neither named in the F.I.R. nor any recovery has been made. The name of the petitioner has transpired on the confessional statement of co-accused Kedar Mahto, who disclosed the name of one Manoj, having resident of Sundarpur, Nepal. However, the police on suspicion implicated the name of this petitioner, who is resident of Bhikhana Thori, Sahodara, West Champaran. It is further submitted that with regard to the recovered statue, there is no case instituted anywhere and, as such, it was not a stolen property and at best it is a case that the statue was purchased at Nepal and the same has been brought to India for selling. It is further submitted that on the alleged date of occurrence i.e. on 12.06.2021 the petitioner was in custody in connection with Sahodara P.S. Case No. 32 of 2021 and the name of this petitioner has been implicated in this case by the police only in order to show that investigation has been concluded. It is lastly submitted that so far as offences under Sections 411, 413 and



414 of the Indian Penal Code are concerned, do not constitute against the petitioner and Sections 30(i) and 30(ii) of the of the Ancient Monuments Archaeological Sites & Remains Act, 1958 are bailable having maximum punishment of two years or with fine. It is lastly submitted that co-accused persons named in the F.I.R. have already been granted bail by this Court in Cr. Misc. No. 58755 of 2021 vide order dated 08.04.2022, a copy of which has been produced before this Court and the same has been taken on record. The petitioner is in custody since 17.07.2021 in this case. 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 petitioner 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 the name of the petitioner has transpired on the confessional statement of co-accused and there is no recovery of any incriminating article from the possession of this petitioner, apart from the fact that accused persons, who were named in the F.I.R. and on their



possession statue was recovered, have already been granted bail by this Court and the petitioner is in custody since 17.07.2021, 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 Additional Chief Judicial Magistrate-I, 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 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.

(Harish Kumar, J)

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