

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23282 of 2023

Arising Out of PS. Case No.-574 Year-2022 Thana- TEKARI District- Gaya

SANTOSH SINGH SON OF RAM CHANDRA SINGH RESIDENT OF
VILLAGE- MAIRA, PS- IMAMGANJ, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhagya Narayan Jha

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-07-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Tekari P.S Case No.574 of 2022, registered for the offence punishable under Sections 25 of the Antiquities and Art Treasures Act and 414 of Indian Penal Code.

Allegedly, a miscreant was carrying a bag on his lap and on interrogation, he disclosed his name as Manoj Kumar and in the presence of the independent witnesses, the bag of the petitioner was searched. On search a precious *Ashtadhatu* statue of Lord Buddha and cash of Rs.33,500 was recovered from his possession. He further disclosed that on the direction of the petitioner he was smuggling the aforesaid article of Rs.50,000/-.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the



manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He submits that the petitioner has no concern with the said co-accused and due to mukhiya election dispurte, the petitioner's name has been taken by the said Manoj Kumar. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the petitioner is also involved in the present case.

Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law considering that there is no specific overt act against the petitioner.

(Anjani Kumar Sharan, J)

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