

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68070 of 2022

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

Guddal Mahto @ Guddan Mahto @ Ajay Kumar Mahto S/O Late Brij Bihari
Mahto R/O Village- Manguraha, P.S- Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 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. Anant Kumar Mishra, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Gaunaha P.S. Case No. 114 of 2021, registered 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.

It is alleged that on a secret information the police intercepted a Motorcycle, which was being driven by co-accused Kedar Mahto and Ramcharan Diswa @ Ramchandra Diswa and on search one statue of Lord Budha was recovered,



which is said to have been brought from Nepal for the purpose of selling in India.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in FIR, however, the persons who were apprehended at the spot along with the statute disclosed the name of the petitioner as one of their associates. He further submits that the persons on whose confession name of the petitioner has surfaced, they have been allowed privilege of bail by this Court in Cr. Misc. No. 58755 of 2021 vide order dated 08.04.2022. He next submits that during the course of investigation save and except the confessional statement no other materials have come suggesting the complicity of the petitioner, except the fact that the petitioner is found involved in identical nature of crime. Now, he is in custody since 03.08.2022 and the investigation of the crime is already complete.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has surfaced on the confessional statement of co-accused persons, apart from the fact that other co-accused



persons on whose possession statue in question has been recovered have been allowed bail by this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) 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 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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