

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29311 of 2016

Arising Out of PS.Case No. -428 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Rajendra Rai @ Rajendra Prasad Son of late Thakur Rai Resident of
Village- Chanri, PS Jitna District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar
For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 30-08-2016 Heard Md. Anish Akhtar, the counsel for the

petitioner.

No one has appeared on behalf of the State.

The petitioner is facing prosecution in Ghorasahan
(Jitna) P.S. Case No. 428 of 2015 registered under Section
429/34 of the Indian Penal Code as well as Section 51 of the
Wild Life Protection Act (for short “The Act”).

According to the First Information Report, the
chowkidar came to know that a wild deer was seen wandering at
Nihor Das Math. In the meanwhile, the official(s) of the Forest
Department came there and caught the deer. The forest area
belonged to Motihari Forest Department and as such, it is

alleged, that the deer was handed over to four official(s) of the Motihari Forest Department, which includes the petitioner. Subsequently, the informant came to learn that the deer was beheaded and his horn was uprooted.

Contention of the petitioner is that the informant is not an eyewitness of the occurrence. The allegation does not pertain to any provisions contained in chapter-VA of the Act. The officials of the forest department have protection under Section 60 of the Act. It is further stated that the penal provisions under the Indian Penal Code areailable. Petitioner is a responsible officer of the forest department, and there is no chance of his absconding, if granted the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate Sikrahna at Dhaka, District-East Champaran in Ghorasahan (Jitna) P.S. Case No. 428 of 2015 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors

shall be his own/close family member. The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

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(Kishore Kumar Mandal, J)

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