

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.67148 of 2018**

Arising Out of PS. Case No.-153 Year-2018 Thana- DHANAHA District- West Champaran

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1. Lalbabu Pandey,
  2. Shambhu Pandey,
- Both the Son of Ramashish Pandey, Resident of Village-  
Mushahari, Police Station- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      17-12-2018                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners seek pre-arrest bail in connection with  
Dhanaha P.S. Case No.153 of 2018 registered for the offences  
punishable under Sections 379, 427 read with 34 of the Indian  
Penal Code and sections 33 and 34 of the Forest Act.

It is submitted by the learned counsel for the  
petitioners that there is delay of about one month in institution  
of the first information report, which is based on a report of  
*Kramchari* in which it has been specifically mentioned that  
there is no eye witness as to who cut the *sisam* trees. However,  
the said *Kramchari* vaguely stated in his report that some  
villagers disclosed the name of the petitioners and on such



vague allegation the petitioners have been named. He contended that the petitioners have got no criminal antecedent and having got roots in the society, they are not likely to abscond or tamper with the evidence.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within a period of six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Dhanaha P.S. Case No.153 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J.)**

Sanjeet/SkSuman

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