

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43719 of 2018**

Arising Out of PS. Case No.-2 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.  
District- West Champaran

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Rohit Sahni, S/o- Suresh Sahni, Resident of Village- Parsa Dih, P.S.-  
Sahodara, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar  
For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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

2      25-07-2018                      Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 2, 9, 27, 29, 31, 50, and 51 of the Wild Life (Protection) Act, 1972.

The prosecution case, as per the written report of Forest Officer, dated 29.01.2016, is to the effect that on 29.01.2016 at night during patrolling, the informant heard sound of gun shot and when the informant proceeded further, he found two persons, namely Rohit Sahni, the petitioner and co-accused Imran Miyan, on a motorcycle when they were taken to Bhawanipur Check Post for inquiry. Both the apprehended persons were locked up and the informant again went in the forest to look for the victim animal when a deer injured with fire



arm and used cartridges were recovered from the scene. Consequently, seizure was made by the informant. In the meantime, the petitioner escaped from the custody. Co-accused Imran Miyan revealed that one Bharat Yadav called them for the prey purposes. It is also alleged that the petitioner was lastly seen with other criminals.

It is submitted by the learned counsel for the petitioner that only on the basis of suspicion, accusation has been levelled against the petitioner. The incident took place on 29.01.2016 in the night when the postmortem of the deer in question was conducted on the same day at 12.00 P. M. The postmortem report of the deer reflects that the deer died 10 hours prior to the postmortem. The timing given in the postmortem report of the deer suggests that the postmortem has been conducted prior to the death of the deer and also prior to the informant came to know about the incident. A statement has been made in paragraph no.3 of the petition that apart from present case the petitioner is involved in one other case also being Sahodara P. S. Case No. 14 of 2016, wherein prayer for anticipatory bail is pending.

Keeping in view the fact that initially the petitioner was apprehended but subsequently he escaped from the custody of



the informant, this Court is not inclined to grant anticipatory bail to the petitioner.

However, keeping in view the fact that the informant is not the eye witness of the incident that the petitioner killed the deer in question, the accusation is based on suspicion and inconsistency between the timing of offence being committed and death of the animal in question as mentioned in the postmortem report, learned Court below may consider the prayer for regular bail of the petitioner if he surrender within a period of six weeks in connection with Forest Case No. 02 of 2016, pending in the Court of learned C.J.M. Bettiah, West Champaran.

Accordingly, the present application for anticipatory bail is disposed off.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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