

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66409 of 2018

Arising Out of PS. Case No.-26 Year-2006 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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1. Brij Kishor Sahni S/o Sardhan Sahani
 2. Bikhu Sahani @ Bhikhu Chaudhry S/o Satya Narayan Sahani
 3. Subhash Bhar S/o Parikhan Bhar
 4. Sukhlal Sahni @ Sukhal Choudhary s/o Jasar Sahani
 5. Dhandhar Yadav S/o Bahadur Yadav
 6. Bigu Chaudhary S/o Ramsamaj Chaudhary @ Ramsubhag Chaudhary
 7. Hiralal Chaudhary S/o Tilak Chaudhary
 8. Lahar Mian S/o Kayamat Mian All Resident of Village-Naurangia Ward No.13, P.S. Naurangia, Distt.-West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 25-02-2019 As prayed, learned counsel for the petitioners is permitted to make correction of the I.F. Case No. 26/2006 to read as IF Case No. 28/2006 in para 1 and in the prayer portion of the petition in course of the day.

2. The petitioners apprehend their arrest for the offences alleged under Sections 33, 41 and 42 of the Indian Forest Act and Section 27 and 29 of Wild Life Protection Act, registered in connection with Tr. No. 2069/2018, arising out of I.F.Case No. 28/2006.

3. It is submitted that the petitioners have been falsely implicated merely on the assertion of the Forest Guard who is said to have identified the petitioners, except which there is no other material to connect the petitioners with the alleged occurrence. The written report has been prepared on 19.09.2005 for the alleged occurrence of 05.08.2005 and the case has been registered on 29.07.2006. Cognizance has been taken after more than a decade on 23.01.2018



(Annexure-4). The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM Ist, Bagaha, District West Champaran, in connection with Tr. No. 2069/2018, arising out of I.F. Case No. 28/2006 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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