

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20551 of 2020**

Arising Out of PS. Case No.-41 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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VISHWANATH THAKUR @ VISNATH THAKUR, Son of Late Amar Thakur, Resident of Village - Laxmipur, P.S.- Sahodara, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 02-07-2020 The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects, within a period of three weeks of resumption of the court proceeding in physical mode.

In case, non-removal of defects within the stipulated period, the office will place the matter again before the bench.

Heard learned counsel for the petitioner and learned APP for the State.



The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 31, 38(ch), 44(kha) and 51 of the Indian Forest Act and Section 50 of the Wild Life Protection Act, 1972.

The prosecution case as per the prosecution report submitted by Forest Range Officer, West Champaran, Bettiah before the learned C.J.M., West Champaran at Bettiah is to the effect that on 05.10.2019, a confidential information was received to the effect that some people are trafficking animals skulls and bones. Consequently, a raid was laid and the petitioner was apprehended with a bag. During frisking, from the bag, bones of the animals, mobile SIM, Indian and Nepali currency were recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. The petitioner is languishing in custody since 05.10.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the investigation has already



been concluded and a statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Forest Case No.41 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Forest Case No.41 of 2019

The learned Court below will further be at liberty to extend the period of provisional bail further if the court



proceeding in physical mode will not resume in next three months.

Accordingly, the present application sands disposed of.

(Dinesh Kumar Singh, J)

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