

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20120 of 2020**

Arising Out of PS. Case No.-79 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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Sukat Manjhi Son of Somari Manjhi Resident of Village - Jingna, P.S.-
Manpur, Dist.- West Champaran at Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.Suresh Prasad Singh

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

2 30-06-2020 The matter has been taken up through virtual Court
proceeding.

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

Since the physical court proceeding is non-
functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
the office will place the matter before the bench.

The petitioner is languishing in custody since
10.02.2020 in a case registered for the offences punishable
under Sections 2, 26 of the Indian Forest Act, 1927 and Sections



2, 27, 29, 31 & 51 of the Wildlife Protection Act, 1972, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the prosecution report submitted by Ram Bilash Rai, Forest Guard, Manguraha Forest Area to the Chief Judicial Magistrate, West Champaran, is to the effect that on 08.09.2014 at 5.30 P.M., during patrolling the informant and other forest personnel heard sound of wood cutting and when they reached at the spot, on seeing the informant and other forest personnel, three persons including the petitioner managed to flee away from the scene leaving behind five logs of Sheesham tree which were seized.

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 and 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 petitioner is named in the prosecution report with specific accusation.

Considering the fact that the investigation has already been concluded, petitioner has not been put on T.I.



Parade and there is no recovery from the possession of the petitioner, coupled with the statement being made in paragraph no.3 of the petition 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 Sub-divisional Judicial Magistrate, West Champaran at Bettiah in connection with Trial No. 1769 of 2019, arising out of Forest Case No. 79 of 2014.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 Sub-divisional Judicial Magistrate, West Champaran at Bettiah



in connection with Trial No. 1769 of 2019, arising out of Forest
Case No. 79 of 2014.

The learned Court below is at liberty to further
extend the period of provisional bail if the court proceeding in
physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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