

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74399 of 2019

Arising Out of PS. Case No.-29 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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1. Banshraj Mahto, Son of Jangali Mahto Resident of Village- Ganauli, Police Station- Valmikinagar, District- West Champaran
 2. Chandev Mahato, Son of Bal Kishun Mahto Resident of Village- Kala Bairiya, Police Station- Laukariya, District- West Champaran
 3. Krishna Mohan Khatait, Son of Maniram Khatait Resident of Village- Kala Bairiya, Police Station- Laukariya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Forest Beat Officer, Ganauli Forest Beat, District- West Champaran. Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-03-2020 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Indian Forest Case No. 29 of 2016, Trial No. 498 of 2019,
registered for the offence punishable under Sections 7, 27 and
50 of the Wild Life Protection Act.

The allegation against the petitioners is that on the
basis of prosecution report No.1007 dated 08.03.2019, the
informant along with others official made raid in a forest area
where a dead body of tiger was recovered near Musaharwa



Nala. A dead body of Neel Gai was also found and it has been alleged that the petitioners in connivance with other laced Neel Gai by pouring a blue powder poison in order to make a bait for the tiger who after eating, the Neel Gai died near Musaharwa Nala.

Mr. Basishta Narayan Mishra, learned counsel appearing for the petitioners submits that the petitioners have not committed any offence in the manner alleged inasmuch as on the date of lodging of FIR, the petitioners were in judicial custody in relation to Forest Case No.7 of 2016 dated 20.01.2016. Learned counsel further submits that the petitioner was taken into custody on 20.01.2016 and were allowed bail on 04.07.2016. However, petitioners were taken on remand in another case bearing Forest Case No.9 of 2016 on 08.03.2016 whereas the confessional statement of co-accused of present case was recorded on 08.03.2016 and the present FIR has also been lodged on 08.03.2016 during the period petitioners were in jail but the concerned authority did not take the petitioner on remand and after release from bail on 04.07.2016 the petitioners for the first time got a summon on 17.03.2019 that they were made accused in the present case also thereafter they have taken steps for anticipatory bail.



On the other hand, Mr. Abhaya Kumar, learned counsel appearing for the State submits that petitioners' name have transpired by virtue of confessional statement made by the co-accused and they do not deserve the privilege of anticipatory bail.

After having heard learned counsel for the parties and taking into consideration the fact that petitioners were already in jail in connection with the Forrest Case No.7 of 2016 and Forest Case No.9 of 2016 but the authority did not choose to take the petitioner on remand in the present case, i.e., Forest Case No.29 of 2016 and thereafter the petitioners were released on bail on 04.07.2016 and after the lapse of about three years, petitioners were informed by way of summon regarding their involvement in the present case, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-3rd,



Bagaha, West Champaran, in connection with Indian Forest
Case No. 29 of 2016, Trial No. 498 of 2019, subject to the
condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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