

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11829 of 2021**

Arising Out of PS. Case No.-11 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- West Champaran

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1. Tarkeshwar Mahto Son of Tetar Mahto Resident of Village- Dumri, P.S.- Gobardhana, Distt- West Champaran.
  2. YOGENDRA MAHTO S/o LATE ROJI MAHTO Resident of Village- Dumri, P.S.- Gobardhana, Distt- West Champaran
  3. ANIL KUMAR S/o Tarkeshwar Mahto @ Mahika Mahto Resident of Village- Dumri, P.S.- Gobardhana, Distt- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Binay Kumar, Advocate  
For the Opposite Party/s : Mr.Nand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      07-02-2022                      Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Forest case No.11F of 2019 registered under



Sections 2, 7, 9, 17, 27, 31, 50 and 51 of Wild Life Animal Protection Act.

Prosecution case, in short, is that the patrolling party saw that a bear was trapped and killed by means of tangi by some miscreants. They were chased and two of them were caught, who disclosed their names as Rajeshwar Mahto and Sarjug Mahto. They also disclosed the name of the petitioners, who managed to flee away.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The names of the petitioners have transpired in the present case merely on the basis of disclosure made by the co-accused. No incriminating article relating to forest area is said to have been recovered from the possession of the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19



pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned A.C.J.M. 1<sup>st</sup>, Bagaha in connection with Forest case No.11F/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

Narendra/-

**(Sudhir Singh, J)**

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