

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20759 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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MAHTAB ALAM @ MAHATAB SAI @ MAHTAB SAI Son of Neshar Sai
R/O Village - Ward No.- 5, Mehnauli Kala, Belsandi, P.S.- Matiyariya,
District - 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, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 01-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 33, 41 and 42 of Indian Forest Act and Sections 2, 27, 29, 31, 50 and 51 of Wildlife Animal Protection Act.

The informant alleges that he received information that some miscreants are taking away stones by tractor trailer after loading the same from reserve forest and on such information a team was constituted and the tractor was apprehended but the driver of the tractor fled away, it is next alleged that petitioner was driving the tractor who was identified at the place of occurrence and the tractor along with the trailer



loaded with stone were seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that the petitioner was identified at the place of occurrence but the FIR does not disclose that who identified the petitioner. Learned counsel next submits that petitioner was completely unaware that his driver would misuse the vehicle, it is also submitted that no prudent man would commit an illegality by using his own vehicle and thus creates evidence against himself. Learned counsel further submits that since the tractor was seized, as such, the authorities verify and when he came to know that the same belongs to the petitioner, the petitioner was falsely robed in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Forest P.S. Case No. 01 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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