

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29650 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Kajal Kumari Kanjar @ Kajal Kumari, Daughter of Monu Kanjar, Resident of Village - Maheshwar, Post - Kenaura, P.S.- Dehat Kotwali Hanumanganj, District - Sultanpur (Uttar Pradesh).
 2. Sadhana Kumari Kanjar @ Sadhar Kanjar @ Sadhana Kanjar, Wife of Anil Kanjar, Resident of Village - Maheshwar, Post - Kenaura, P.S.- Dehat Kotwali Hanumanganj, District - Sultanpur (Uttar Pradesh).
 3. Gudiya Kanjar @ Gudiya Kumari Kanjar, Wife of Arjun Kanjar, Resident of Village - Maheshwar, Post - Kenaura, P.S.- Dehat Kotwali Hanumanganj, District - Sultanpur (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Advocate Mr. Abhishek Anand, Advocate Mr. Sadiq Hashain
For the Opposite Party/s :		Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Forest Case No. 14 of 2022 registered for the alleged offences under Sections 48(A), 48(B), 49(A), 49(B), 40(2), 39 and 44 of the Indian Wild Life (Protection) Act, 1972.



As per prosecution case, from the possession of the petitioners, 140 live turtles were recovered.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners are young ladies and nothing has been recovered from their conscious possession. The allegedly recovered turtles were kept under the seat of the train and the petitioners have no knowledge about the same. The procedure under Section 100 Cr.P.C. has not been followed during preparation of the seizure list and all the seizure list witnesses are official ones. The police took thumb impression of the petitioner on the blank paper and using the same for preparation of seizure list. The petitioners are in custody since 18.02.2022 and prosecution report has been submitted. The petitioners are having no criminal history.

Learned APP opposes the prayer for bail submitting that the petitioners were apprehended with 140 live turtles in their possession.

Having regard to the submissions made on behalf of the parties and considering the period of the custody of the petitioners and submission of prosecution report against them, the petitioners above named are directed to be released on bail



on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Forest Case No. 14 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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