

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31767 of 2022

Arising Out of PS. Case No.-305 Year-2021 Thana- PARSA District- Saran

1. Kiran Kumari W/O Anup Tiwari @ Anup Kumar Tiwari Resident Of Village - Jogapur, P.S.- Gazipur, District - Gazipur (UP) And Presently Residing At Village - Jagadra, P.S.- Buxar (Industrial), District - Buxar (Bihar).
2. Anup Tiwari @ Anup Kumar Tiwari @ Arup Tiwari S/O Purushottam Tiwari Resident Of Village - Jogapur, P.S.- Gazipur, District - Gazipur (UP) And Presently Residing At Village - Jagadra, P.S.- Buxar (Industrial), District - Buxar (Bihar).
3. Dharm Shankar Pandey S/O Dina Nath Pandey Resident Of Village - Jagadra, P.S.- Buxar (Industrial), District - Buxar (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Shrivastava, Adv. Mr Anil Kumar Roy, Adv.
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Bindhyachal Singh, Sr. Adv. Mr. Ram Binod Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 05-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects, if any, within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 120(B),



420, 406 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that occurrence took place on 18.05.2021 but complaint case has been lodged on 04.08.2021 and there is no explanation for such delay. He submits that the petitioner No. 1 namely Kiran Kumari is legally owner of said elephant namely Ranjeeta (Female) and she has procured the domestic elephant on 25.11.2004 through gift deed by Nageshwar Rai, father of Informant on the basis of Govt. Letter No. 1408 dated 16.09.2003 of (Environment and Forest Department, The Government of Bihar) in which Ramesh Rai (informant) and one Kailash Rai has signed as a witness. He submits that the elephant has been handed over to the owner that i.e. opposite party No. 2. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Parsa P.S. Case No. 305 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

guddukr/-

U		T	
---	--	---	--

