

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43638 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Rajendra Mahto Son of Jhagru Mahto Resident of Village - Singhiya Sagar,
Ward no.2, P.O.- Chailaha, P.s.- Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioner is directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Official

Complaint No. 11 of 2022 registered for the offences punishable

under Sections 2(16), 2(36), 9, 39, 50, 51 as well as Entry 12(3)

of Schedule IV of the Wild Life Protection Act, 1972.

As per the prosecution, the informant acting upon a

secret information conducted a raid at this petitioner's house and

recovered one *Red Sand Boa* snake whose trade or utilization is

prohibited under Wild Life Protection Act, 1972.

The main submissions advanced by learned counsel Mr. Asif Kalim, appearing for the petitioner are that as per the allegation petitioner was found keeping a wild Snake protected under Wild Life Protection Act in his possession but as per Schedule IV *Red Sand Boa* which was allegedly found in the possession of this petitioner is not protected as per Entry 13 (3) of the said Schedule, rather another category of snake *Boidae* is protected and during the course of investigation it was found that the petitioner has been keeping the recovered snake in his possession for the last three years which shows that he was not in the habit of keeping such type of reptiles in his possession and under Section 51 of Wild Life Protection Act, 1972 the maximum punishment of imprisonment for the alleged offence is three years and the petitioner has been languishing in jail in the instant matter since 24.04.2022 having clean antecedent.

Learned APP Mr. Nagendra Prasad, appearing for the State has opposed the prayer for bail.

In view of above submissions and considering the petitioner's defence discussed above and his clean antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Official Complaint No. 11 of 2022.

(Shailendra Singh, J.)

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