

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57198 of 2021

Arising Out of PS. Case No.-51 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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1. Sheikh Afroz Son Of Sheikh Jahur R/O Village- Padariya, P.S.- Manpur, Dist.- West Champaran
 2. Bharat Yadav Son Of Sri Vyas Yadav R/O Village- Padariya, P.S.- Manpur, Dist.- West Champaran
 3. Rajesh Sahani Son Of Sri Rajesh Sahani R/O Village- Padariya, P.S.- Manpur, Dist.- West Champaran
 4. Subhash Yadav Son Of Sri Bachcha Yadav R/O Village- Padariya, P.S.- Manpur, Dist.- West Champaran
 5. Kariman Yadav Son Of Sri Bachcha Yadav R/O Village- Padariya, P.S.- Manpur, Dist.- West Champaran
 6. Asesar Yadav Son Of Sri Khedu Yadav R/O Village- Padariya, P.S.- Manpur, Dist.- West Champaran
 7. Jamadar Yadav Son Of Sri Jagdish Yadav R/O Village- Padariya, P.S.- Manpur, Dist.- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 14-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections
33, 41 and 42 of the Indian Forest Act, 1927 and Sections 2, 27,
29 of the Wild Life (Protection) Act, 1972 of the Indian Penal
Code.



The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 03.09.2015 at about 10.00 P.M., he came to know from reliable sources that some forest offenders have entered into his compartment no. S/69 of the forest for illegal felling of trees and when team of the Forest Department reached there, they heard sound of axe cutting trees. It is next alleged that on chest, the offenders managed to escape, but they were identified in torch light. It is next alleged that from the place of occurrence, 07 pieces of logs of rosewood (sheesham) were also seized.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. The petitioners were not apprehended from the spot. It is next submitted that it absolutely not possible to identify all the accused persons in torch light. It is next submitted that even from perusal of the seizure list, it would manifest that no independent witnesses were present when the seizure of the alleged wood were made, as such, in order to save the real culprits, innocent people have been implicated.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned



counsel for the petitioners and the petitioners are persons with clean antecedent, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Trial No.2199 of 2021 arising out of Forest Case No.51-F of 2015 appertaining to the office Report No.388 of 2015, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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