

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51488 of 2022**

Arising Out of PS. Case No.-24 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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BRIJBHAR NATH @ BRIJBHAR MAHTO S/o Purnavashi Mahto R/o
village- Kairi, P.S.- Sahodra, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.
For the Opposite Party/s : Mr. M.K. Nirala, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Binay Kumar, learned counsel for the
petitioner and Mr. M.K. Nirala, learned Additional Public
Prosecutor for the State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Forest Case No. 24 of 2022 registered for
the offences punishable under Sections 33, 41 and 42 of the
Indian Forest Act and Sections 2, 27, 29 and 51 of the Wild Life
Animal Protection Act.

The prosecution case is based on a written report of



filed by the Forest Officer alleging therein that while he was on patrolling duty, he saw that four persons were fleeing away with the woods from forest and on being chased, the petitioner was apprehended at the place of occurrence. It is further alleged that the petitioner confessed his complicity in cutting the trees.

Learned counsel appearing on behalf of the petitioner submitted that in fact, the petitioner resides near the forest and the forest employees used to take benefits from the petitioner and other residents for their own gain and when it has been denied, his name has been implicated in this case with oblique motive. It is further submitted that only because of other criminal antecedent of identical nature, his name has been implicated in this case. It is next submitted that no incriminating material has been recovered from the conscious possession of the petitioner, apart from the fact that he is in custody since 31.01.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the period of custody, apart from the investigation of the crime is already complete, let the petitioner, above named, be released on bail on



furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah in connection with Forest Case No. 24 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds



in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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