

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51486 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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KISHAN CHAUDHARY @ KRISHNA S/O NAGINA CHAUDHARY
Resident of village- Baghambarpur, P.S.- Srinagar Pujaha, District- West
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, 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. Anand Kishore Choudhary, learned counsel
for the petitioner and Dr. Indihar Kumari, 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. 22 of 2022 registered for
the offences punishable under Sections 33, 41 and 32 of the
Indian Forest Act 1927 & Sections 2, 27, 29 and 51 of the Wild
Life Protection Act.

The prosecution case is based on a written report



filed by the Forest Officer, Balua Rampurwa alleging therein that while he was on a patrolling duty, in the meanwhile, he found Khooti of illegal cutting of Shisham Wood and two pieces of Shisham was also found there. On inquiry, he came to know about the complicity of the petitioner and others.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the petitioner was neither apprehended at the spot nor he was seen cutting Shisham tree and no other incriminating material has been recovered from his person or possession. It is further submitted that only because of two criminal antecedent, his name has been implicated in this case. It is next submitted that the offences disclosed in the F.I.R. is not made out against the petitioner even if they are accepted to be true. It is lastly submitted that the petitioner is in custody since 28.04.2022 and moreover, the investigation of the crime is already complete.

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 fact that the petitioner was neither apprehended with the pieces of any wood nor any incriminating material, which is said to be used for the



purpose of cutting the tree have been recovered from the person of possession of this petitioner and moreover, he is in custody since 28.04.2022, 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, West Champaran in connection with Forest Case No. 22 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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