

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13391 of 2023

Arising Out of PS. Case No.-57 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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1. JOKHAN MAHTO Son of Rajendar Mahto R/v- Dharmpur, P.S.- Sahodra, District- West Champaran
 2. GHANSHYAM NATH Son of Chandar Nath @ Chandan Nath R/v- Kairi, P.S.- Sahdra, District- West Champaran
 3. NAGESHWAR NATH Son of Bhagan Nath R/v- Kairi, P.S.- Sahdra, District- West Champaran
 4. KHUSHILAL MATHO @ KHUSHHAL MAHTO Son of Mrigu Mahto R/v- Mahayogin, P.S.- Sahodra, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Forest Case No.57 of 2020 instituted under Sections 2, 27, 29, 31, 51 lodged on 03.12.2020 by the informant Sujeet Kumar.

As per the prosecution story, informant along with other guards was on patrolling he saw six persons moving along with Pandari river carrying wooden logs on there shoulder when informant saw them he told them to stop and ran after them but all six persons succeeded in fleeing after dropping the wooden logs, on search informant found wooden logs. Accordingly, the



FIR.

Learned counsel for the petitioners submit that the allegation is of carrying some wood on the shoulder which is also a mere suspicion in the dead of the night it is hard for the prosecution side to pinpoint a particular person as accused.

Learned APP on the other hand opposes the prayer for anticipatory bail.

This Court find force in the submissions put forward by the learned counsel for the petitioners and further they have no criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Forest Case No.57 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show



his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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