

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58189 of 2023

Arising Out of PS. Case No.-63 Year-2020 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Sunil Chaudhary S/O Budhai Chaudhary R/O Village-Jamhauri, P.S.-
Gaunaha, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.09.2022 in connection with Indian forest Case No. 63 of
2020 F.I.R. dated 17.12.2020 for the offences punishable under
Sections 33, 41 and 42 of the Indian Forest Act along with
Sections 2, 27, 29, 31 and 51 of the Wild Life Protection Act.

3. According to prosecution case, three *Sal Trees*
were being illegally cut and logs of the trees were taken away
by the accused persons.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the petitioner was not



arrested from the spot and nothing has been recovered from the possession of the petitioner and due to his previous criminal antecedent, name of the petitioner has falsely been implicated in the present case. He further submits that except on the basis of suspicion, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the prosecution report against the petitioner. The petitioner is in custody since 01.09.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two criminal antecedent of similar nature other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 learned Judicial Magistrate – Ist Class, Bettiah, West Champaran, in connection with Indian forest Case No. 63 of 2020, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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