

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58810 of 2022

Arising Out of PS. Case No.-36 Year-2020 Thana- MAHKAR District- Gaya

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1. BUNDELA DEVI W/O MADHO PRASAD Resident of Village-Hathiawan, P.S.- Mahkar, District- Gaya.
 2. ASHOK PRASAD S/O KALI CHARAN MAHTO Resident of Village-Hathiawan, P.S.- Mahkar, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-02-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 270 of the IPC read with section 15 of the Environmental Act.

The prosecution case has been registered on the basis of the report of Circle Officer, Khizersarai for the burning of remains (after cutting) of wheat plants. On spot inspection, it came to light that the petitioner Bundela Devi had taken the field of Ashok Prasad on 'Batai'.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case merely on



suspicion. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the occurrence took place on 26.04.2022 and the F.I.R. was lodged on 03.05.2022 i.e. after delay of more than seven days and no plausible explanation has been given with regard to the delay, it creates doubt about the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Mahkar P.S. Case No.36 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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