

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 19141 of 2016

Arising Out of PS. Case No.-2 Year-2013 Thana- MATIYARIA District- West Champaran

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- 1 Shailendra Kumar @ Shailendra Garhwal, son of Prem Narayan Garhwal, resident of Village – Jamuniya, Police Station – Sahodara, District – West Champaran
- 2 Sushil Kumar Shashank @ Sushil Prasad Shashank, son of late Bharat Prasad, resident of Banuchhapar, Police Station – Bettiah Mufassil, District – West Champaran
- 3 Hemraj Mahto @ Hemraj Prasad, son of Sheo Prasad, resident of Village – Belsandi, Police Station – Gaunaha, District – West Champaran
- 4 Balmiki Prasad, son of Gauri Shankar Mahato, resident of Village – Belsandi, Police Station – Gaunaha, District – West Champaran
- 5 Ajay Khatait, son of late Bhola Khatait, resident of Village – Parsauni, Police Station – Gobardhana, District – West Champaran
- 6 Kushal Kazi @ Kaushal Kazi @ Kaushal Kishore Kazi, son of Birendra Kazi, resident of Village – Mahuie, Police Station – Matiyaria, District – West Champaran
- 7 Tulsi Kazi, son of late Palat Kazi, resident of Village – Banahwa Parsa, Police Station – Matiyaria, District – West Champaran
- 8 Yogendra Ojhaiya, son of Kushal Ojhaiya, resident of Village – Bankatwa, Police Station – Gobardhana, District – West Champaran
- 9 Maina Nath, son of Vishram Nath, resident of Village – Banahwa Parsa, Police Station – Matiyaria, District – West Champaran
- 10 Tetar Nath, son of Manbodh Nath, resident of Village – Banahwa Parsa, Police Station – Matiyaria, District – West Champaran
- 11 Jay Narayan Khatait @ Jay Narayan Khait, son of Jaduni Khatait, resident of Village – Banahwa Parsa, Police Station – Matiyaria, District – West Champaran

... .. Petitioner/s

Versus

- 1 The State Of Bihar
- 2 Ajay Shankar Sinha, Range Officer of the Forest, Gobandhana Forest Range, West Champaran, Flat No 404, Ramkrishna Plaza, Kankarbagh, Patna - 20

... .. Opposite Party/s

For the Petitioner/s	:	Mr Brij Kishor Mishra, Advocate
For the S t a t e	:	Mr Raghwanand, GA XI
		Mr Sanjay Kr Tiwari, AC to GA XI

CORAM: HONOURABLE MR JUSTICE RAJIV ROY
ORAL ORDER

5 13-09-2023

Heard the parties.

2 Prayer is for the following reliefs:

***“That this application is being
filed for quashing the order dated
17.02.2016 passed by the learned Chief
Judicial Magistrate, Bettiah, District –
West Champaran in Matiyaria Police***



Station Case No 2 of 2013 vide which he has taken cognizance for the offence under Sections 50/51 of the Wild Life Protection Act, Sections 27, 29, 31 of the Indian Forest Act, Sections 3/4 of the Prevention of Damage of Property Act and Sections 147, 149, 427, 447, 454 of the Indian Penal Code against these petitioners.”

3 Learned counsel for the petitioners, though submits that the petitioners may be allowed to raise all the issues before the Court concerned, wanted that the document that was issued by the Circle Officer, Gaunaha on 23.12.2014 pursuant to the application of Shri Deep Narain Prasad (Annexure 3 to the petition) be allowed to be placed before the Court concerned for its consideration to arrive at a logical conclusion.

4 State is represented and counter affidavit has been filed. It does not have any objection to the prayer made by the learned counsel for the petitioners.

5 Accordingly, the petition stands disposed of allowing the petitioners to raise all the issues including what has formed Annexure 3 to the petition at the time of framing of the charge, if the same has not been framed.

(Rajiv Roy, J)

M.E.H./-

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