

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64697 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

SHRAWAN KUMAR GAUTAM Son of Harilal Gautam R/V- Gorakhpur
Chauk, P.S- Gorakhpur, Nirudin Chauk Moharapur, Dist- Gorakhpur (U.P)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 33, 41 and 42 of the Indian Forest Act and Sections 27, 29, 31 and 50 of the Wild Life Protection Act pending in the learned court below.

As per the prosecution case, petitioner is the registered owner of the pick-up van from which the illegal trees cuts were carried out from Valmiki Tiger Reserve.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that no recovery is made from the conscious possession of the petitioner. He submits that the petitioner has neither cut the forest tree nor caused any harm to wild animals, hence Section 33, 41 and 42 of I.F. Act and Section 27, 29, 31 and 50 of W.L.P. Act is not made out against



the petitioner. He further submits that petitioner is made accused in this case merely on the basis that he is registered owner of the said pickup van. He submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with I.F. Case No.271/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with further condition that the petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(Anjani Kumar Sharan, J)

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