

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78474 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Kaimur (Bhabua)

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1. ABHAY SHANKAR PANDEY @ GOLDEN PANDEY S/O DURGA SHANKAR PANDEY VILLAGE- DARA, KASER, DIST. KAIMUR AT BHABHUA, P.O-KASER, PS. BHAGWANPUR, BIHAR-821102
 2. KAMLA PANDEY S/O JAGARNATH PANDEY VILLAGE- DARA, KASER, DIST. KAIMUR AT BHABHUA, P.O-KASER, PS. BHAGWANPUR, BIHAR-821102

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyajeet Pandey, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Forest Case No. 39 of 2023 for the offence registered under section 33 of the Indian Forest Act, 1927 and sections 27, 29, 31 and 32 of the Wildlife Protection Act, 1972 lodged on 27.06.2023.

3. As per the allegation, the petitioner no. 1 (Abhay Shankar Pandey @ Golden Pandey) was found roaming inside the Telhar Kund along with double barrel gun with an intent to hunt the protected wild animals. Although the Forest guards



were able to intercept him, with the help of his associates, he escaped. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that they were visiting the local temple along with the family and for their protection, the petitioner no. 1 was carrying the licensed gun. It is his further submission that being the local, he cannot even think of killing the protected wild animals and he always keep thinking about the development of the said area and in extension of that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 50,000/- for the development of the said Telhar Kund and a Bank Draft to this effect issued by the S.B.I. will be delivered to the office of Divisional Forest Officer, Kaimur, Bhabhua (Bihar).

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that a bare perusal of the FIR would show that he was there with a double barrel licensed gun with an intention to kill wild animals.

6. Having gone through the facts of the case, the submissions put forward by the parties, FIR lodged, gun seized, the petitioners will be ultimately facing the trial, they do not have criminal antecedent, this Court is inclined to extend them



privilege of anticipatory bail subject to payment of Rs. 50,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court and handed over to the concerned official and shall be used exclusively for the purpose of development of the area around the Telhar Kund and a report to this effect shall be submitted by the Divisional Forest Officer, Kaimur, Bhabha in a sealed cover to this Court within three months.

7. Mr. Priyajeet Pandey, learned Counsel for the petitioner will be visiting the Divisional Forest Officer, Kaimur, Bhabhua if required for assisting him in this regard.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Forest Case No. 39 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;



(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner 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;

(iv) the petitioner 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;

9. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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