

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40918 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Jamui

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Budhan Besara @ Buddhhan Besar Son of Late Lagara Besara Resident of
Village- Saraiya , P.O- Sugwauran ,P.S- Jhajha , Dist- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 77c/2023 for the offence punishable under sections 9(i), 27, 29, 50(c) of Indian Forest (Bihar Amendment) Act and 26(1)/41 of Indian Forest Act lodged on 02.10.2022 by the complainant, Sri Anish Kumar.

3. As per the prosecution story, the informant who is a Forest Range Officer alleged that during patrolling, he saw unknown persons hunting fishes from protected Nakati Dam. As they reached there, the accuseds escaped and the complainant was able to identify four of them which include this petitioner. There was recovery of tube and other materials that they were using for the hunting process. As it is a reserved dam, the FIR.



4. Learned counsel for the petitioner submits that admittedly, he has not been arrested from the spot, the local enmity with the petitioner has played a role in his implication, do not have criminal antecedent.

5. Learned APP opposes the prayer stating that the hunting of fish was done in a protected dam.

6. Taking into account the aforesaid facts as also the fact that the petitioner do not have criminal antecedent, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. However, if it is found that the petitioner do have criminal antecedent, the order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Jamui, in connection with Complaint Case No. 77c/2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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