

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40978 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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1. Mithun Mukhiya Son of Sri Kishun Mukhiya @ Shree Kishun R/O Village- Rampurwa, P.S.- Valimikinagar, Dist.- West Champaran
 2. Suraj Mukhiya Son of Sundar Mukhiya hR/O Village- Rampurwa, P.S.- Valimikinagar, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with I.F. Case No. 36 of 2023 for the offence registered under sections 2, 9, 29, 21 39 and 51(i) of the Wild Life Protection Act.

3. As per the prosecution story, the informant-Incharge Forester alleged that he got information that in a sugarcane field, the dead body of a tiger has been covered with soil. Upon visiting there, the dead body was found and the locals informed that the petitioners and the other accused persons, to save their sugarcane field, used live electric wire and



the tiger came in its clutch, causing the death.

4. Learned Counsel for the petitioners submit that the death of a tiger due to electrocution is unfortunate, however, the fact remains that the recovery/seizure of the electric wire has been made from the house of Prabhu Ram who has been denied relief. So far as these petitioners are concerned, merely on the basis of the locals giving their name due to enmity, implicated. Further, without accepting the allegation and/or the outcome of the present case, they intend to contribute Rs. 10,000/- each (totaling Rs. 20,000/-) as a contribution towards Valmikinagar Tiger Reserve, Division-II through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that both have the criminal antecedent of the same nature.

6. Having gone through the facts of the case as also the materials on record, admittedly, recovery of the electric wire which the locals use to desist the tigers from running through their agricultural land stands recovered from Prabhu Ram, their names have come in the statements of the locals, shall be facing the trial, considering the aforesaid facts, this Court is inclined to grant them the anticipatory bail with conditions subject to



payment of Rs. 10,000/- each (totaling Rs. 20,000) as a contribution towards Valmikinagar Tiger Reserve, Division-II through Demand Draft issued by the local branch of the State Bank of India and the receipts have to be submitted before the Trial Court.

7. 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 Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran in connection with I.F. Case No. 36 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 members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(iv) the petitioners 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 petitioners 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.

(Rajiv Roy, J)

Vijay Singh/-

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