

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61486 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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1. Tulsi Mahto son of Late Bharat Mahto Resident of village- Nankar Belwa at present Parsa Tadi Ps- Lauria, Dist- West Champaran
 2. Awadhesh Mahto son of Late Shankar Mahto Resident of village- Nankar Belwa at present Parsa Tadi Ps- Lauria, Dist- West Champaran
 3. Harihar Mahto Son of Surya Mahto Resident of village- Nankar Belwa at present Parsa Tadi Ps- Lauria, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Preeti Kumari
For the Opposite Party/s : Ms. Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 2, 9, 27, 29, 31, 39 and 51 of the Wild Life Animal Protection Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that the accused persons used clutch wire of motorcycle which was recovered from the field of Harihar Mahto and from the house of Harihar Mahto, four traps, made out from the clutch wire of motorcycle, were recovered. Further, it is alleged



that the trap of the clutch wire was used in hunting deer. Further, it transpired that on the eastern side of the house of Motilal Yadav (in another incident), it came to notice that petitioner no.1 and 2 hunted the spotted deer and distributed the flesh, skin of spotted deer was also recovered, which was sent for further investigation to wild life forensic laboratory, Dehradun.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case, based on confessional statement of Harihar Mahto. It is submitted that confession in custody does not have any evidentiary value. It is also submitted that even the skin of the deer was not found either in the field of the petitioners or near their house rather was found near the house of Motilal Yadav but then Motilal Yadav has not been made an accused. It is further submitted that since the petitioners have antecedent of one case under the Forest Act, hence they came to be implicated. It is further submitted that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Forest Case No.69/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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