

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3429 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Dil Mohammad Gaddi S/O Late Moinuddin Gaddi @ Mastan Gaddi, Village-
Pujahan Gadiyani, Ward No. 7, P.O- Patjirwa, PS. Srinagar Pujaha, Dist.-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manaur Alam, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Manaur Alam, the learned counsel for

the petitioner and Mr. Arun Kumar Pandey, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Bettiah Forest Case No. 84 of 2023, CIS - 84 of

2023, registered for the offences punishable under Sections 33,

41, 42 of the Indian Forest Amendment Act and Section 2, 27,

29, 31 and 51 of the Wild Life Protection Act 1972 (Amendment

2006).

3. According to prosecution case, the informant upon

receiving secret information reached at the alleged place and

found that some persons carrying chunks of wood were trying to

escape. He apprehended four persons while others managed to

escape.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the four co-accused persons who have been arrested by the Forest Guard have disclosed the name of the petitioner. He further submits that due to previous enmity, the co-accused persons have disclosed the name of the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the disclosure is made by co-accused persons, let the petitioner, above named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, where the case is pending in connection with **Bettiah Forest Case No. 84 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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