

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48466 of 2025

Arising Out of PS. Case No.-17 Year-2024 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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1. Ashik Miyan @ Md. Ashik @ Mohammad Ashik S/O Mohammad Sarfuddin Miyan @ Sarfuddin Miyan R/O Village-Ward No 12, Baghi Baghambarpur, PS- Bairiya, District- West Champaran
 2. Rahman Miyan @ Rahman Alam S/O Jamaluddin Miyan R/O Village-Ward No 12, Baghi Baghambarpur, PS- Bairiya, District- West Champaran
 3. Auranjeb Miyan @ Md. Auranjab Alam S/O Babuddin Miyan R/O Village-Ward No 12, Baghi Baghambarpur, PS- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Umesh Kumar Gupta, learned counsel for the petitioners and Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Forest Case No. 17F of 2024 for the offences punishable under Sections 33, 41 and 42 of Indian Forest Act as well as sections 2,9,27,29,31 and 51 of the Wildlife Protection Act.

3. According to prosecution case, the informant alleged that the petitioners were illegally hunting near Khakharwa Ghat of Balua Rampurwa Sub-division located in Udaipur Wildlife Sanctuary.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. It appears from the FIR that the name of the petitioners transpired on the basis of disclosure made by apprehended person, namely, Akbar Miyan and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioners in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that it appears from the FIR that petitioners are involved in the hunting of Nilgai/Wild Cow and other wildlife.

6. Considering the aforesaid facts and circumstances, the name of the petitioners transpired on the basis of disclosure made by apprehended person, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Forest Case No. 17F of 2024,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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