

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.617 of 2025

Arising Out of PS. Case No.-60 Year-2020 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Muslim Mian @ Muslim Miya S/o Rahsul Mian R/o vill - Belbaniya, P.S. -
Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 24-02-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Forest Case Police Station Case No. 60 of 2020, disclosing offences under Sections 2/9/27/29/31/39/43/49(a)/49(b)/50/51 of the Wild Life Protection Act.
3. As prosecution report/official complaint lodged by the Forest Officer on 12.02.2020, at 05:00 PM, is that while he was patrolling along with other forest guards in the Someshwara Wildlife Sanctuary area, he received secret information that some persons were indulged in illegal hunting of birds and their trade. Upon this information,



the forest officials reached at the place of occurrence and saw that hunted birds were being chopped off and meat was being prepared from it. On seeing the forest officials, five accused persons started fleeing away from the spot and one of them, namely, Toofani Mian, was apprehended while others succeeded in fleeing away. There was recovery of hunted birds i.e. Common Rosefinch male – 24 pieces, Common Rosefinch female – 45 pieces, Red Vented Bulbul – 01 piece, Paddy Field Pipit – 25 pieces and 1.1 Kg of bird meat.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he is not having any criminal antecedent of similar nature of offence. He next submits that in the official complaint there is no statement that the petitioner succeeded in fleeing away from the spot, as disclosed by the apprehended accused persons. However, in the seizure list, the name of the petitioner has been added subsequently. He further submits that no incriminating material has been recovered from the conscious possession of the petitioner. Referring to Annexure-1, learned counsel submits that for the first time in the year



2021 cognizance was taken by the Magistrate, summons was issued on 16.09.2022, bailable warrant was issued on 16.02.2023 and finally non-bailable warrant was issued on 20.05.2024. The petitioner was not aware about the summons and non-bailable warrant being issued and it is only when the police approached him in the year 2024, the petitioner took steps for filing anticipatory bail.

5. On the other hand, learned counsel for the State submits that the petitioner was present on the spot as disclosed by the arrested co-accused person and there is recovery of meat and other birds from the place of occurrence.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent and his name has transpired on the disclosure of the arrested co-accused person, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Judicial Magistrate
First Class, Bettiah, West Champaran, in connection with
Forest Case No. 60 of 2020, subject to the condition laid
down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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