

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47394 of 2014

Arising Out of Forest Case No. -33 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP.
District- BHABHUA (KAIMUR)

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Prabhu Sharma @ Chirkali Sharma Son of Late Chhedi Badhai, Resident of
A 38/75 LD Konia, P.S. - Adampur, Varansi (U.P.) at presently reside at
village - Bharari Kala P.S. Chand, District Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 30-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Forest Case No.
33 of 2013 dated 08.05.2013 instituted under Sections 5/7/13 of
the Bihar Saw Mills (Regulation) Act, 1990.

The allegation against the petitioner is that he along
with Dhananjay Pandey had operated a Saw Mill without due

permission.

Learned counsel for the petitioner submits that neither was he caught at the spot nor the place from where it is alleged the Saw Mill was operated belongs to him as admittedly it is the house of Dhananjay Pandey who has implicated the petitioner falsely for the reason that the petitioner is a small time carpenter. It is submitted that the petitioner besides having clean antecedent has also been found innocent by the Divisional Forest Officer, Kaimur Division in a proceeding before him which has been communicated to the learned Chief Judicial Magistrate but differing from the same, learned court has taken cognizance against both the petitioner as well as Dhananjay Pandey. It is submitted that the Divisional Forest Officer, Kaimur had found only Dhananjay Pandey to be the offender and not the petitioner.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,

Kaimur at Bhabua in Forest Case No. 33 of 2013, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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