

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22183 of 2015**

Arising Out of PS.Case No. -13 Year- 2015 Thana -SAHODARA District-  
WESTCHAMPARAN(BETTIAH)

- =====
1. Sk. Nasim @ Sk. Nasib @ Re Nasim
  2. Sk. Ekhalak Both Sons of Sk. Mustafa Both residents of village - Parsauni, Police Station - Sahodra, District : West Champaran.
  3. Allauddin Ansari
  4. Kalam Ansari Both Sons of Late Md. Jan Ansari Both residents of Village - Ekwa, Imiliya Tola, Police Station - Sahodra, District - West Champaran.

.... .... Petitioners

Versus

1. The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ram Adya Singh

For the Opposite Party : Mr. Vinod Shankar Modi (App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

2      10-07-2015      Heard both sides.

The four petitioners herein apprehend their arrest in connection with Sahodra P.S. case no. 13 of 2015, registered under sections 379 and 420/34 of the IPC and diverse penal provisions of the Indian Forest Act as well as the Bihar Minor Mineral Concession Rules, 1972.

The forester is the informant who alleged in the FIR that when he was taking tour of the protected forest he saw the petitioners excavating sand and stone from Daraha river within the protected area. Any such excavation is punishable under the

Act as also evaluation of the direction of the Hon'ble Apex Court.

Learned counsel submits that the allegation is vague and general. Learned Sessions Judge has also noted the same in the impugned order.

Learned APP, on the other hand, points out that petitioner no.1 and petitioner no.2 have chequered history of commission of crime.

Considering the submissions of the parties, I am not inclined to privilege the petitioner nos. 1 and 2, namely Sk Nasim @ Sk. Nasib @ Re Nasim and Sk. Ekhalak with anticipatory bail. Prayer for bail made on their behalf is rejected. They may surrender and pray for regular bail before the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit.

So far as the petitioner nos. 3 and 4 namely Allauddin Ansari and Kalam Ansari respectively are concerned, they have no criminal antecedent, this Court is inclined to privilege them with anticipatory bail. Let the petitioner nos. 3 and 4, namely Allauddin Ansari and Kalam Ansari, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties

of the like amount each to the satisfaction of the learned C.J.M. Bettiah (West Champaran) in connection with Sahodra P.S. case No. 13 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

Shyam/-

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**(Kishore Kumar Mandal, J)**