

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46962 of 2014

Arising Out of PS.Case No. -10 Year- 2010 Thana -GOVERNMENT OFFICIAL COMP. District-
KATIHAR

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Md. Mister S/o Md. Mofil Mian Resident of Village Raghunichak, P.S.
Mansahi, District Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shri Krishna Sinha

For the Opposite Party/s : Mr. Prem Kumar Jha(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-04-2015 Heard learned counsel for the parties.

The petitioner faces prosecution for offence under
sections 41/42 of the Indian Forest Act.

Learned counsel for the petitioner has submitted that the
petitioner was Work Sarkar in Zila Parishad, Katihar and had in
fact already retired in the month of January, 2012, whereafter he
has been sought to be implicated in connection with an offence
under the Indian Forest Act. Learned counsel has also explained
that whatever action was taken by the petitioner in exercise of
official duty was based on the directions given to him by his
superior officers.

Keeping all these aspects into consideration as also the
fact that the petitioner is an old man, who has already retired and
also has got no criminal antecedent, this Court would direct that if



the petitioner, Md. Mister, surrenders in the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in Complaint Case No. CII No. 10/2010, subject to the following conditions:

i) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

surendra/-

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