

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.45128 of 2015**

Arising Out of PS.Case No. -7 Year- 2015 Thana -MANPUR District-  
WESTCHAMPARAN(BETTIAH)

Sk. Musha, S/o Late Sk. Jahoor, Resident of Village- Purainia (at present),  
P.S. Manpur, District- West Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nesar Ahmad

For the Opposite Party/s : Mr. M.Dayal(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

02/ 15-10-2015

Heard learned counsels for the petitioner  
and the State.

The petitioner is apprehending his arrest  
in a case registered for the offences punishable under Sections  
379, 420, 353/34 of the Indian Penal Code, sections 33, 41, 42  
of the Indian Forest Act and sections 4(1), 40(10) of Bihar  
Minor Minerals Concession Rules, 1972.

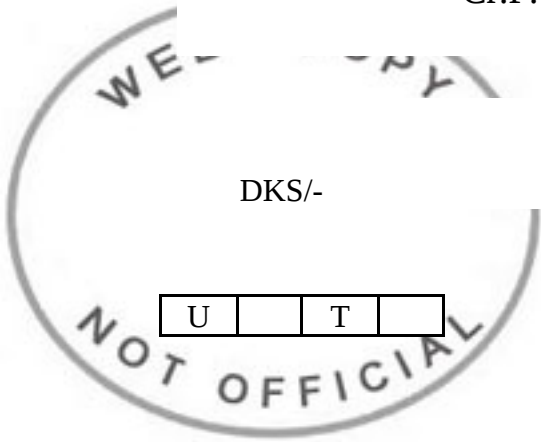
The prosecution case is that the  
informant being the Forester of Manpur Forest during

patrolling on 08.02.2015 at 8.00 A.M. found the petitioner and three others excavating and transporting the sand and stones from the protected area.

It is submitted by learned counsel for the petitioner that the Forester was not good a term with the petitioner has lodged the present case. There is no recovery or seizure of the sand, stones or any equipment for conducting mining. The petitioner claims to be a big landlord and hence, it appears that he was conducting mining. The FIR was registered on 08.02.2015 which reached to the court of learned Judicial Magistrate on 11.02.2015 which reflects that the FIR has been registered by antedating. Though, the petitioner was earlier made accused in one other case but final form was submitted in the said case and he was not sent up for trial.

Considering the nature of accusation, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Manpur P.S. Case No. 07 of 2015, subject to

the conditions as laid down under Section 438(2) of the  
Cr.P.C.



**(Dinesh Kumar Singh, J)**

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