

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21794 of 2016

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1. Rakesh Mahto Son of Late Basudeo Mahto
2. Putush Mahto @ Putesh Mahto, Son of Late Basudeo Mahto,
3. Bablu Mahto, Son of Late Basudeo Mahto, All Resident of village-
Rupaspur, P.S.- Rautara, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 20-05-2016

Heard Mr. Pankaj Kumar Sinha for the

petitioner and APP for the State.

The petitioners are named accused of Rautara
P.S. case no. 9 of 2016, registered under Sections 379,447, 406
and 120B of the Indian Penal Code and Sections 42/43 and 26 of
the Forest Act.

In relation to cutting of the *Neem* tree on
25.10.2015 by the accused persons , the complaint was lodged on
19.12.2015 alleging that in absence of the complainant/ informant
the petitioners cut the *Neem* tree and carried the logs.

Learned counsel for the petitioners submits that
apart from the delay in lodging the complaint which was later

treated as an First Information Report, it would appear that there is a bonafide land dispute between the parties over which the alleged *Neem* tree was standing. This fact has been noticed by the learned Sessions Judge in the impugned order.

Considering the facts and the circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, 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 Judicial Magistrate, 1st Class, Katihar in connection with Rautara P.S. case no. 9 of 2016, 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 shall be the own/close family member of the petitioner(s).
- (ii) As soon as the charges are framed the petitioner(s) 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 petitioner(s) and

secure their arrest in accordance with law

(Kishore Kumar Mandal, J)

