

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19178 of 2014

Arising Out of PS.Case No. -34 Year- 2012 Thana -GOVERNMENT OFFICIAL COMP. District-
 GAYA

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Sheo Shankar Singh S/o Late Maheshwari Singh Resident of mohalla- New
 Area, Bisar Tank Road, Rajendra Ashram, P.S.- Civil Lines, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Arun Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 20-06-2017 This petition is filed against the order dated 21.12.2012
 passed by the Chief Judicial Magistrate, Gaya in Forest Case
 No.34/12, Tr. No.2880/13 wherein cognizance under Section
 33(1) (b) of the Indian Forest Act has been taken in this case
 against the petitioner and others.

Learned counsel appearing on behalf of the petitioner
 submits that this case is based on prosecution report of the Forest
 Department and there is no evidence against the petitioner except
 the statement of a co-accused, Arvind Kumar Singh, apprehended
 at the spot that he was carrying the stone chips at the instance of
 the petitioner. Learned counsel further submits that the petitioner
 is a contractor, Neither the vehicle, by which stone chips was
 transported nor other incriminating material against the petitioner



was found.

Learned Additional Public Prosecutor submits that the allegation against the petitioner is found true and the evidence against the petitioner is that at his instance Arvind Kumar Singh was carrying stone chips for being used in construction of karjara Dhandhi Road being constructed by petitioner, a contractor by profession.

Having considered the rival submission and on perusal of material on the record specially prosecution report filed by the Forest Department it appears prima facie that stone chips were being unloaded and used by the petitioner in construction of road at nearby site. So, there is no ground to interfere with the order taking cognizance against the petitioner.

The petition stands dismissed.

(Arun Kumar, J)

AnilKrSinha/-

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