

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47086 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP. District-
SIWAN

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Sheojee Kamkar, Son of Late Nathuni Kamkar, resident of Village-
Gaighat, Police Station- Aandar, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

3 10-01-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
C.II-44 of 2015, registered under Sections 33,41 and 42 of the Indian
Forest Act (Bihar Amendment).

The accusation is that on 09.10.2015, informant being the
Forester, got information that a 'Mahua' tree situated at canal in
village Bhitwargaon adjacent to the land of Parma Singh (Ex-
Mukhiya, Gaighat Panchyat) has been cut by the petitioner and his two
sons, namely, Nawal Kishore Kamkar and Lal Babu Kamkar.
Thereafter, the informant, his associate Dilip Kumar and other officials
of the Forest Department went at the door of the petitioner and on
inquiry, petitioner informed that he had purchased the Mahua tree
from Parma Singh, but he did not produce purchase/permission letter
and started to abuse the informant and petitioner compelled the
informant to come back. Thereafter, on 13.10.2015 informant and his



associate Dilip Kumar again went to the house of the petitioner and seized 11 pieces of wooden log of Mahua tree. As such, petitioner and his both sons committed offence under Sections 33,41 and 42 of the Indian Forest Act.

Learned counsel for the petitioner submits that it would appear from F.I.R. that petitioner was not seen by anyone to cut the Mahua tree, rather the pieces of wooden log was recovered from the door of the petitioner. Further submission is that, in fact, one Mahua tree, belongs to Parma Singh, was purchased by the petitioner and the same was cut and carried at the door of the petitioner, but with ulterior motive, the petitioner and his sons are implicated in this case. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in connection with C.II-44 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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