

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58911 of 2017**

Arising Out of PS.Case No. -46 Year- 2008 Thana -GOVERNMENT OFFICIAL COMP. District-  
GAYA

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Manoj Kumar Yadav Son of Late Nunu Gope, resident of village - Bachhai,  
Bachhsi, Singhrawa, District- Hazaribagh (Jharkhand).

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2      13-12-2017

Heard learned counsel for the petitioner.

Despite service of notice to the State, Mr. Satya Nand Shukla, learned Additional Public Prosecutor has failed to turn up and contest the matter.

The petitioner seeks pre-arrest bail in connection with Forest Case No. 46 of 2008 registered under Sections 33(i)(b), 63, 41 and 42 of the Indian Forest Act, 1989.

It is submitted by the learned counsel for the petitioner that though alleged occurrence is of 19.11.2008, the prosecution report was filed in the court on 10.02.2009. He submitted that it would be manifest from the prosecution report that a road was being constructed in the forest area with the use



of J.C.B. machine by the IRCON International Company Ltd. and in that course illegal mining was being carried out. The Deputy Chief Manager, IRCON and the Mother India Construction Private Ltd. were made accused in the said case. The said Mother India Construction Private Ltd. was the contractor of IRCON to accomplish the work of construction of road. The petitioner is alleged to be the owner of J.C.B. machine, which was hired by the said Mother India Construction Private Ltd. He submitted that the petitioner was not aware of the prosecution case going against him and he came to know about the case recently when warrant of arrest was issued against him. He submitted that another co-accused Mukesh Kumar has recently been granted pre-arrest bail by a co-ordinate Bench of this Court, vide order dated 10.11.2017, passed in Cr. Misc. No. 48674 of 2017.

Regard being had to the nature of allegation and the submissions made above, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in Forest Case No. 46 of 2008 , subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure,



in the event of arrest or surrender before the court below within  
six weeks from today.

**(Ashwani Kumar Singh, J.)**

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