

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9546 of 2018

Arising Out of PS. Case No.-5 Year-2011 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

=====

Sharwan Yadav, Son of Bhuneshwar Yadav, Resident of Village- Nizampur,
P.S.- Kasma, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. RAM NARESH RAY

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-02-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 33, 41 and 42 of the Indian Forest Act.

The prosecution case, as per the written report of Rajendra Prasad Singh being the Forest Guard, dated 28.07.2011, submitted to the learned Chief Judicial Magistrate, Aurangabad is to the effect that on 28.07.2011 at about 11.30 AM, during patrolling, the informant saw certain persons loading stones on tractor from forest area. The accused escaped from the scene, but they were identified by the Forest Guard. On inspection of the place of occurrence, one hammer, two chhenis and 200 C.F.T. stones were recovered and accordingly, the seizure was



made. Subsequently, the villagers, who declined to disclose their names, suggested the names of the petitioner and one Dinesh, who used to commit theft in the forest area.

It is submitted by learned counsel for the petitioner that for the occurrence of 28.07.2011, the prosecution report was submitted on the same day, but the learned CJM, Aurangabad took cognizance on 31.07.2013. Admittedly, neither any recovery has been made from the petitioner, nor the identification of the tractor in question has been made till date. Though, a statement has been made in paragraph no.3 of the petition that the petitioner is involved in other case of similar nature, but a supplementary affidavit has been filed to the effect that in that case the petitioner has been granted privilege of anticipatory bail.

Considering the fact that no recovery has been made from the petitioner and the identity of the petitioner has been disclosed by the co-villagers of the petitioner who declined to disclose their identity, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of



learned Chief Judicial Magistrate, Aurangabad in connection with Forest Case No. 05 of 2011, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Since for the occurrence of 28.07.2011, the cognizance has been taken on 31.07.2013 and the petitioner has filed the present application for grant of anticipatory in the year 2018, learned Court below will positively cancel the bail bonds of the petitioner if he defaults for two consecutive occasions or substantially gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

