

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62112 of 2017

Arising Out of PS. Case No.-30 Year-2009 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

Sanjay Singh @ Kumar Saniv Singh @ Kumar Sanjeev Singh S/o Ajay Singh,
R/o Village- Manikpur, P.S.- Indrapuri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-01-2018 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 the informant being the Forest Range Officer, Tilouthu is to the effect that on 16.06.2009 at 4.30 PM, the raiding party consisting of some forest officers, visited Lewara Forest protected area and seized two tractors loaded with Moran and one J.C.B. machine. The drivers of both the tractors and J.C.B. machine were apprehended, who disclosed their names as Binod



Singh, Munna Kumar and Bharat Ram. They also disclosed the names of their owners as Nand Kumar Dubey and Santosh Singh. The owners of the tractors and J.C.B., suggested the name of the petitioner as the contractor, who directed them to mine the Moran for transportation.

It is submitted by learned counsel for the petitioner that this is admitted case that the petitioner was not present on the place of seizure and the owners of the seized vehicles, in order to save their skin, named the petitioner. It is further submitted that no documentary proof was submitted before the prosecuting agency that the petitioner hired the seized vehicle or he directed to transport the Moran. The falsity of the case also gets apparent from the fact that the prosecution report contains the statement of Munna Kumar, the driver of the J.C.B. machine to the effect that he was loading the Moran on the order of his owner. Similar was the statement of Binod Singh being the driver of one of the seized tractors to the effect that he was loading the Moran on the direction of the brother of the owner of tractor, Santosh Singh. Similarly Bharat Ram, the other tractor driver disposed to the effect that he was getting the Moran loaded on the order of his owner, Nand Kumar Dubey. A statement has been made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

It is further submitted that though, the case was registered in the year 2009, but a statement has been made in paragraph no.12 of the petition that till date, the petitioner has not been declared absconder, but non-bailable warrant has been issued.

Paragraph no.12 reads as follows:-

“12. That up till now the petitioner has not been declared absconder rather non-bailable warrant has been issued against him.”

Considering the fact that neither the seized vehicles were registered in the name of the petitioner, nor he was present on the place of seizure and the statement made in paragraph no.12 of the petition that till date the petitioner has not been declared absconder, 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 ACJM, Rohtas at Sasaram in connection with Forest Case No. 30 of 2009, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

It is made clear that this order will be effective only if the petitioner has not been declared absconder till date.

If the petitioner has already been declared absconder, then



the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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