

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13713 of 2019

Arising Out of PS. Case No.-154 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. Brahmdeo Singh, aged about 60 Years, Male, Son of Karu Singh, resident of village-Chatkari, P.S.-Rajauli, District-Nawada.
 2. Binod Rajwanshi, aged about 36 Years, Male, Son of Chhotu Rajwanshi, resident of village-Chatkari, P.S.-Rajauli, District-Nawada.
 3. Pintu Sao, aged about 30 Years, Male, Son of Bigan Sao, resident of village-Chatkari, P.S.-Rajauli, District-Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rajeev Nayan, Advocate.
For the Opposite Party : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 26, 41 and 42 of the Indian Forest Act, 1927 and 52 of the Indian Forest (Bihar Amendment) Act, 1989.

The prosecution story, in brief, is that on 14.12.2018 on the basis of secret information, one raiding party was constituted under the captainship of Forest Officer, Nawada, and they conducted raid in reserved forest area on Sharda Mica Mines, where they found that Forest Mafia after employing



labourer, illegally digging the mica and seeing the police all the labourer and Mafia started to flee and after chasing them one of the Mafia Uddin Miyan was arrested and one loaded 9 MM pistol was recovered from his waist and from his bag 10 pieces of detonator and 10 pieces of power Jiletine of explosive were recovered. In the meantime, two Shaktiman Trucks and one Compressor equipped Tractor were fled away, who were chased and were apprehended at Chatkari Village but drivers of vehicles were succeeded in fleeing then informant prepared seizure list of two Shaktiman Trucks loaded with 40 Kg of Mica and one compressor equipped Tractor at Village- Chatkari then on the identification of Forest Ranger Shivdahin Paswan, all accused persons were made accused as they are habitual offender. It has further been alleged that a separate case was lodged against Uddin Miyan under Arms and Explosive Act at Rajauli Police Station by the informant.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Except for disclosure made by the Forest Ranger, there is no substantive evidence to suggest



the implication of the petitioners in the present case. There is no recovery of forest woods from possession of the petitioners. The vehicles in question does not belong to the petitioners.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Nawada, in connection with G.O. Case No. 154 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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