

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45155 of 2019

Arising Out of PS. Case No.-40 Year-2017 Thana- KATEYA District- Gopalganj

1. PARASH SHARMA Son of Sharda Singh Resident of Village - Pakadidih, balahi Khas, P.S.- Kateya, Dist.- Gopalganj.
2. Dinesh Sharma Son of Satan Sharma Resident of Village - Pakadidih, balahi Khas, P.S.- Kateya, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Jha

Mr.Dhramveer

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 24-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kateya Police Station Case No. 40 of 2017, disclosing offences under Sections 420/413/414 of the Indian Penal Code and Sections 3/5/33 of the Indian Forest Act, 1990.

The allegation against the petitioners, as per the First Information Report, is that the informant, who is a Forest Ranger, visited different saw mills under Kateya division and during his visit, most of the saw mills were found closed and in some of the saw mills, different types of wood and fresh wooden saw dust were found and when the owners of the saw



mills were not met near their saw mills, upon enquiry, the local people disclosed that saw mills function occasionally. The saw mills of the petitioners are at serial nos. 6 and 7 in the First Information Report.

Learned Counsel for the petitioners submits that the petitioners are license holders of their respective saw mills and the licenses were submitted by them before the competent authority for their renewal. He further submits that based upon the allegation made in the First Information Report, no offence either under the provisions of the Indian Forest Act or the Indian Penal Code is made out and, at best, Section 14 of the Bihar Saw Mills (Regulation) Act, 1990, is made out against the petitioners, in which maximum punishment is for a term of one year.

After having heard learned Counsel for the parties and taking into consideration the fact that no specific allegation of theft of forest produce has been alleged against the petitioners and further the petitioners are the license holders of the saw mills, in question, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 15th Additional Chief Judicial Magistrate, Gopalganj, in connection with Kateya Police Station Case No. 40 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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