

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40872 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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1. Shiv Bachan Sharma Son of Shivrath Sharma, Resident of Village - Kotasa, P.S.- Durgawati, District - Kaimur (Bhabua).
 2. Ramesh Sharma Son of Shiv Bachan Sharma, Resident of Village - Kotasa, P.S.- Durgawati, District - Kaimur (Bhabua).
 3. Rakesh Sharma Son of Shiv Bachan Sharma, Resident of Village - Kotasa, P.S.- Durgawati, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Forest Case No. 12 of 2019 registered for offence punishable under sections 5, 9, 10, 14, 8 of Indian Forest Act, 1927 (Bihar Forest Amendment Act 1989) and section 41 and 42 of the Forest Act.

Allegation has been made that illegally the petitioners were running the saw mill without any valid licence that led to filing of the present case.

The learned counsel for the petitioners submits that in the Central Act, it is bailable offence but the State has



amended the provision of Section 42 of the Indian Forest Act and made it non-bailable. Earlier the punishment was for six months or with fine of Rs.500/-, but the State has stipulated the punishment of one year or with fine of Rs.10,000/-.

Looking to the entire facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Forest Case No. 12 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Shivaji Pandey, J)

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