

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3483 of 2020

Arising Out of PS. Case No.-18 Year-2011 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Birju Mahto Son of Harihar Mahto Resident of Village- Kumbhiyatari, P.S.- Fatehpur, Distt- Gaya.
 2. Ganeshi Mahto S/o Chutar Mahto Resident of Village- Kumbhiyatari, P.S.- Fatehpur, Distt- Gaya.
 3. Prayag Yadav S/o Jhamman Yadav @ Somar Yadav Resident of Village- Bargaon Kumbhiya Tari, P.S.- Fatehpur, Distt- Gaya.
 4. Madan Prasad Son of Nandkihore Mahto Resident of Village- Bargaon Kumbhiya Tari, P.S.- Fatehpur, Distt- Gaya.
 5. Munsu Paswan S/o Jamuna Paswan Resident of Village- Bargaon Kumbhiya Tari, P.S.- Fatehpur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioners and
learned A.P.P for the State.

The petitioners apprehend their arrest in **Forest Case No. 18 of 2011**, registered for the offence punishable under Section 33 of the Forest Act.

It is alleged that petitioners were constructing house in forest area without any valid paper and when the informant went to stop the construction, all the petitioners started protesting.



It is submitted that petitioners has falsely been implicated in this case. Petitioners are residing there for a long time and the land where constructions were going on, does not come under the forest area. Petitioners have got clean antecedent.

Considering the facts aforesaid, the petitioners above-named in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Judicial Magistrate Ist Class, Gaya** in connection with **Forest Case No. 18 of 2011**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or



the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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