

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10410 of 2020

Arising Out of PS. Case No.-322 Year-2018 Thana- KAHALGAON District- Bhagalpur

Shibu Mahto @ Shivnandan Mahto , aged about 48 yrs.- M, Son of Late Satyanarayan Mahto, Resident of Village: - Janidih, P.S.:- Ghogha, District: - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-06-2020 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

The petitioner apprehends his arrest in connection with Kahalgaon (Ghogha) P.S. Case No. 322 of 2018 registered for the offence punishable under Section 379, 411 of the I.P.C. and Section 32, 33 of the Forest Act, 1927.

The allegation against the petitioner as per the First Information Report is that Police intercepted a vehicle and recovered forest produce from the said vehicle and arrested three persons namely, Raj Kumar Mandal, Raj Kumar Goswami and Israfil. It has further been alleged that the arrested accused



person Raj Kumar Goswami informed that he has purchased the *Jamun* tree from one Shibu Mahto (i.e. the petitioner).

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel further submits that petitioner has got no criminal antecedent and he has stated on oath that he has not sold the tree in question, which was seized by the Police authority. Learned counsel further submits that no forest produce or tree has been recovered from the possession of the petitioner.

Having heard learned counsel for the parties and taking into consideration the fact that the name of the petitioner has transpired on the basis of the statement made by the arrested co-accused, no forest produce has been recovered from the possession of the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha)
P.S. Case No. 322 of 2018, subject to the condition as laid down
under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond
all the parties shall follow the guidelines regarding lockdown
and social distancing.

(Anil Kumar Sinha, J)

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