

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26147 of 2020

Arising Out of PS. Case No.-82 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. MANOJ KUMAR SINGH @ MANOJ KUMAR S/o Jagdish Prasad Resident at 35 Bhojaur, P.S.-Masaurhi, District-Patna. At present the Executive Engineer, Rural Works Department, Work Division, Sherghati, P.S.-Sherghati, District-Gaya.
 2. Sri Sachidanand Sinha @ Sachidanand Singh S/o Late Deonath Prasad Resident at Mohalla-A.P. Colony, Qtr. No. 213, P.S.-Rampur, District -Gaya. At present Assistant Engineer, Rural Works Department and Public Works Department, Sherghati, P.S.-Sherghati, District- Gaya.
 3. Md. Ashraf Ali @ Asaraf Ali S/o Achhe Mian Resident of Village-Hemzapur, P.S.-Amas, District- Gaya. At present Junior Engineer, Rural Works Department and Public Works Department, Sherghati, P.S.-Sherghati, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and learned



APP for the State .

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Forest Case no. 82 of 2019 instituted for the offence under Sections 33, 1(b)(c)(d) of the Indian Forest Act, 1927, Bihar (Amendment) Act, 1989, Section 27,30, 35 and 48 of the Wild Life Protection Act, 1972.

The prosecution case alleges that the contractor, in connivance with the petitioners, who are government officials, has indulged in excavation of stone and soil from Masaondhi forest area for road construction work within the forest area.

Petitioners' counsel submits that the scheme of road construction was that the contractor had to provide the material and mining challan in support of such material being used. In absence of mining challan double royalty was to be charged. The petitioners throughout enforced these provisions in their capacity as a government official.



The excavation and supply if at all being done from the forest area is by the contractor, namely, Sukanti Devi. Therefore, the petitioners, in any manner, cannot be held for the alleged offence. The petitioners have no criminal antecedents.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of ACJM Sherghati, Gaya, in connection with Forest case no. 82 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in



the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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