

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26241 of 2020

Arising Out of PS. Case No.-331 Year-2019 Thana- EKMA District- Saran

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1. GAUTAM BHAGAT S/o Late Julum Bhagat Resident of Village-Hussepur, P.S-Ekma, District-Saran at Chapra.
 2. Ram Dash Bhagat S/o Bharosi Bhagat Resident of Village-Hussepur, P.S-Ekma, District-Saran at Chapra.
 3. Kedar Bhagat S/o Din Dayal Bhagat Resident of Village-Hussepur, P.S-Ekma, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ekma P.S. Case No. 331 of 2019 for the offence registered under Section 379 of the Indian Penal Code and Section 33 of the Forest Act.

The case of the prosecution in brief is that the petitioners herein are alleged to have cut the government sheesham trees



and other forest trees situated in Thana No. 80 Khata No. 350, Survey No. 273 and are stated to have illegally sold the wood to the owner of a saw mill.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the petitioners have only cut the trees which were situated on their own land, hence no case is made out, as alleged.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners are stated to have cut the trees situated on their own land and moreover they are having clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Saran in connection with Ekma P.S. Case No. 331 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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