

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73633 of 2019

Arising Out of PS. Case No.-73 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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BRAJ KISHORE SHARMA @ BRIJ KISHORE SHARMA, Son of Late
Ramdayal Sharma, Resident of Village - Sarottar, P.S.- Dumariyaghat, Distt.-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 413, 353,
186 of the Indian Penal Code and 33 of the Indian Forest Act 5,
7(5), 8, 9, 10, 13 and 14 of the Bihar Saw Mills (Regulation)
Act, 1990.

Prosecution case is that as per FIR, the informant-
Jaleshwar Mahto, Forest Extension Officer, Chakia has filed a
petitioner before the SHO, Chakia P.S. vide letter no. 05 dated
16.04.2019 stating therein that on confidential information, the
informant along with other forest officials went to village-
Sarotar and saw that three Saw-Mills were running illegally by



the accused persons including the petitioner, when the forest officials tried to do work of seal and seizure, the accused persons protested and work of seal and seizure could not be done. It is further stated that these three accused persons including the petitioner used to cut, sell and purchase the stolen wood and they run saw-mills illegally.

Learned counsel for the petitioner submits that the petitioner has committed no offence as alleged and he is innocent and he has falsely been implicated in this case and the allegations, as mentioned in the FIR are false and concocted. It further submits that the petitioner has never found dealing with the stolen property u/s 413 of the I.P.C. is made out. It further submits that from the allegation no case u/s 353 of the I.P.C. is made out because this petitioner never caused any hindrance in due discharge of officials duty by the informant and other government officials. The petitioner has got no criminal antecedent. No seizure list was prepared by the informant and there is no recovery from the conscious possession of the petitioner and the petitioner has no criminal antecedent.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks



from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari in connection with Duamriya Ghat P.S. Case No. 73 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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