

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77610 of 2019

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

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Chandra Kishore Sharma, Son of Ramji Sharma, Resident of Village -
Sarottar, P.S.- Dumariyaghat, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh, Advocate

For the Opposite Party : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 25-06-2020 Heard learned counsel for the petitioner and

learned counsel for the State via video conferencing.

By way of the present application, the petitioner has sought for pre-arrest bail in connection with Dumariyaghat P.S. Case No.73 of 2019 registered for the offences punishable under Sections 413, 353, 186 of the Indian Penal Code, section 33 of the Indian Forest Act as well as sections 5, 7 (5), 8, 9, 10, 13 and 14 of the Bihar Mills Regulation Act, 1990.

It is contended by the learned counsel for the petitioner that the petitioner has not cut or destroy any tree and no case under Section 33 of the Indian Forest Act is made out. It is further contended that nothing specific has been uttered against the petitioner that he committed theft of forest product.



There is also no allegation of assault or use of criminal force to the informant while discharging his duty and, therefore, no case under Section 353 of the Indian Penal Code is made out. Lastly, it is contended that two other co-accused persons namely, Braj Kishore Sharma @ Brij Kishore Sharam and Rajharan Sahani have already been granted pre-arrest bail by a bench of this Court vide orders dated 06.03.2020 and 18.06.2020 passed in Cr. Misc. No.73633 of 2019 and Cr. Misc. No.79634 of 2019 respectively.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of the offence, the submissions advanced at the Bar, specially the fact that two other co-accused having identical allegation have already been granted pre-arrest bail by different benches of this Court has not been disputed by the learned counsel for the State, the petitioner is directed to be released on bail in the event of arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No.73 of 2019 subject to the conditions



as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Ashwani Kumar Singh, J.)

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