

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30109 of 2020**

Arising Out of PS. Case No.-46 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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RAJ KUMAR YADAV @ MUNGARI YADAV Son of Uttam Yadav Resident
of Village- Manshadih, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Ms Nirmala Kumari, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 08-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Forest Case No 46 of 2019
instituted for the offence punishable under Sections 33-1(a), 33-
1(c), 33-1(d) of Indian Forest Act and Sections 35, 30 of Wild
Life Protection Act.

Petitioner is alleged to have encroached upon reserve
forest lands, by erecting a Hotel and pond. In the process, it is
alleged that he has cut down many green trees.

Petitioner's counsel submits that it is a case of false
implication. The petitioner claims title to the lands in question
for which he has also filed a Title Suit which is going on
between the parties. The dispute is predominantly civil in



nature.

Learned APP has opposed the prayer for bail. It is submitted that within prohibited forest area lands, the encroachment has been done by the petitioner. The Title Suit has recently been filed in the year, 2019 with an oblique motive. The petitioner also has antecedent in Barachatti PS Case No 200 of 2019. The nature of allegation discloses an offence having social implications inasmuch as damage to wildlife is concerned.

Considering the rival submissions, prayer for bail is rejected.

(Madhuresh Prasad, J)

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