

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31727 of 2020

Arising Out of PS Case No.-1 Year-2020 Thana- TERHAGACHH District- Kishanganj

1. Md. Saukat Alam @ Shaukat Alam, aged about 42 years, Male.
2. Shafique Ahmad @ Mohammad Shafee Ahmad, aged about 40 years, Male.
Both Sons of Zahiruddin, Resident of Village- Dhapar Tola Ward No.01, PS-
Terhagachh, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioners and Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Terhagachh PS Case No. 01 of 2020 dated 07.01.2020, instituted under Sections 379/34 of the Indian Penal Code.

4. The allegation against the petitioners is that the informant, who is a Revenue Clerk in his written report to the police has stated that the petitioners had cut two mango trees from



Government land and had taken away its branches leaving the rooted trunk portion and further that they had extended the premises of their house by encroaching on Government land.

5. Learned counsel for the petitioners submitted that they are not responsible for any cutting of trees as nothing has been seized from their possession and further if at all, they have encroached Government land, the proceeding has to be instituted under the Land Encroachment Act and not a criminal case. It was submitted that the petitioners are brothers and do not have any other criminal antecedent.

6. Learned APP submitted that the petitioners are accused of cutting mango trees from Government land and encroaching Government land.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in Terhagachh PS Case No. 01 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and



further, (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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