

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12053 of 2022

Arising Out of PS. Case No.-152 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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1. NANDLAL SAH @ NUNDLAL SAH S/O LATE JODHI SAH R/o Village-
Dalnidih, P.S.- Chakai, District- Jamui
 2. Ghanshyam Sah S/o Late Jodhi Sah R/o Village- Dalnidih, P.S.- Chakai,
District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 33, 41 and
42 of the Indian Forest Act.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

The informant alleges that on 05.10.2017, during the
inspection, he found that the accused persons including the
petitioners have encroached the land of the forest, cut trees and
have damaged the pillars installed by the Forest Department. It



is alleged that the accused persons have ploughed the forest land relating to Plot No. 729, 730 and 731 i.e. about 1.60 acres and further had uprooted 50 trees on account of which the Forest Department has suffered a loss of Rs.3,71,300/-

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case as the petitioners are the tenant on the land. He further submits that it absolutely does not stand to reason that the petitioners would have ploughed the land which belongs to the Forest Department. He next submits that had the petitioners ploughed the land then at that time itself the Forest Department could have objected and as far as allegation of uprooting and cutting trees is alleged the same are ornamental in nature as not a single tree within the forest can be uprooted or damaged until and unless the same is done in connivance with the forest officials. Learned counsel next submits that allegations are general and omnibus in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with
Complaint Case No. 152c-2 of 2018, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/Gaurav

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