

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23081 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- CHANAN District- Lakhisarai

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KAPILDEO YADAV S/O LATE BUDHAN YADAV R/o village-
Hanumangarhi Gopalpur, P.S.- Chanan, District- Lakhisarai Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad
For the Opposite Party/s : Mr.A.PP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Chanan P.S. Case no. 02 of 2021 instituted for the offence
under Sections 379 and 427 of the Indian Penal Code and
Sections 26, 33, 41, 42 of the Indian Forest Act, 1927, Section
17(A), 27 and 32 of the Wild Life Conservation Act, 1972.

As per allegation in the FIR, when the forest staff was
on patrolling duty of Gopalpur area, he saw that a mahua tree



was cut down into pieces at the instance of the petitioner. Plot bearing Khsara No. 192 Khata No. 1013 of Gopalpur Forest was also excavated, while the said land was declared as protected reserve forest which falls under the Bhim Bandh Wild Life Sanctuary.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. There is no direct allegation against the petitioner. It is further stated that area of 2.50 acre land of said Khata No. 192, Khasra No. 1013 was settled in the name of father of the petitioner by the Government of Bihar.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Chanan P.S. Case no. 02 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Lakhisarai subject to the



conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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