

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30319 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Suresh Prasad Singh @ Suresh Singh Late Jaga Singh R/o village- Piparaura, P.S.- Madanpur, District- Aurangabad
 2. Pradeep Kumar S/O Late Munshi Sharma R/o village- Darekhap, P.S.- Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.
For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through the virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 33(1) (C) of the Indian Forest Act and Sections 35, 27 of Wild Protection Act.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely



implicated in this case. He submits that the alleged place of occurrence is the kucha rasta, which was selected to construct pucca road under the Central Government Scheme of Pradhan Mantri Gramin Sarak Yojana by the Rural Works Department and the construction work was allotted to the contractor namely Gita Devi. Petitioners are the Assistant Entineer and Junior Engineer in Rural Works Department, Sherghati, Gaya. He submits that no offence under Section 33(1) of the Forest Act and 35 and 37 of the Wildlife Protection act is attracted against the present petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that petitioners are making road illegally by violating the protected forest area without valid permission of forest authority.

Considering the facts and circumstances of the case and the fact there is case between two departments, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five 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 Forest Case No. 46 of 2020, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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