

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26704 of 2022

Arising Out of PS. Case No.-154 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Anand Rai, Son of Late Jagdish Ray, R/O Village- Dhodhakola, P.O.-
Dhodhakola, P.S.- Domchach, District- Kodarma

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with G.O. Case No. 154 of 2018 registered for the alleged offences under Sections 26, 41 and 42 of the Indian Forest Act, 1972 and Sections 17, 27, 29 and 31 of the Wild Life (Protection) Act, 1972.

As per prosecution case, a raid was conducted in forest area in which illegal mining of mica was going on and the person who were doing the illegal mining along with labourers



started fleeing away on seeing the raiding party. Co-accused Uddin Miyan was arrested with a country made pistol, 10 pieces of detonators and 10 pieces of gelatine explosive. Later on, the name of the petitioner transpired as one of the accused persons who was also involved in the illegal mining.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to political rivalry with local MLA and MP as the brother of the petitioner was one of the contestants for post of Chairman of Nagar Parishad which was not liked by them. For this reason, they have been implicating the petitioner and his family member in different cases with the help of local authorities. The petitioner has nothing to do with the illegal mining of mica. Learned counsel further submits that the petitioner was not arrested from the spot and nothing incriminating has been recovered from his possession. Further the maximum punishment under the provisions of Forest Act is only up to 6 months whereas under Wild Life Protection Act, 1972 the maximum punishment is up to two years, for the offences mentioned in the official complaint. Other similarly placed co-accused persons have been granted anticipatory bail by different Co-ordinate Benches of this Court vide order dated



06.03.2019 passed in Cr. Misc No. 13713 of 2019 and order dated 18.11.2019 passed in Cr. Misc. No. 71006 of 2019. Prosecution report has been submitted in this case and the petitioner is in custody since 15.12.2021.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the general nature of allegation and further considering the fact that the petitioner was not apprehended from the spot and no recovery of any incriminating article from him along with period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with G.O. Case No. 154 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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