

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37772 of 2021

Arising Out of PS. Case No.-4 Year-1994 Thana- NAURANGIA District- West Champaran

ASHOK PRASAD S/O LATE JAGDISH PRASAD R/O MOHALLA-
SANYAM PRATIK APARTMENT, FLAT NO. 107, AMBEDKAR PATHA,
P.S- KHAJEPURA TOWN AND DISTRICT-PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. S.P. CABINET VIGILANCE DEPARTMENT, PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate
	:	Mr. Ravindra Kumar Shukla, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasiya, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-06-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 467, 468, 471, 420, 409, 406, 379 and 34 of the Indian Penal Code read with Sections 33, 41, 42 and 66 of the Indian Forest Act, Sections 13(2) and 15 and Section 13(1) D of the P.C. Act.

Learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant (Range Officer) alleges that during tenure of Jai Ram Hazara, Forester, large number of illicit felling of trees took place which was even certified by the Enumeration Team which



had made the survey, further on account of illegal felling of trees, Government suffered huge revenue loss to the tune of Rs. 50 lakhs and further an area of 11 acres was encroached, it is next alleged that encroachment and illicit felling of trees was committed by the named accused persons in collusion as detailed in the F.I.R.

Learned senior counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case, it is next submitted that petitioner is not named in the F.I.R., he is a retired I.F.S. officer of 1980 batch, it is next submitted that petitioner was transferred from Bettiah on 17.05.1992 and the F.I.R. came to be instituted in the year 1994. Learned senior counsel further submits that there are materials on record which have been annexed by way of Annexure '4' and '5' to the present anticipatory bail application which clearly record that the petitioner is innocent and has been falsely implicated in the present case as the Investigating Officer of the Vigilance was not having technical knowledge and thus in a mechanical manner implicated him by adding his name in the charge sheet, it is next submitted that from perusal of Annexure '4' and '5' to the anticipatory bail application it would further manifest that the departmental authorities who are competent



and are aware of the environment forest laws have very clearly stated that petitioner was not responsible for the occurrence which took place. Learned senior counsel further submits that had there been any cogent material against the petitioner connecting him with the offence then definitely till 2022 he would not have been a free man, the fact that petitioner till date has not been arrested that in itself demonstrate that nothing cogent transpired during the course of investigation to connect him with the offence. It is next submitted that sword of arrest is hanging on the petitioner since 1994 so one can well imagine the kind of trauma through which the petitioner had gone through and suffered.

Learned Spl. P.P. for the Vigilance and the learned A.P.P. for the State oppose the prayer for anticipatory bail of the petitioner but are not in a position to defend the statement of the learned senior counsel for the petitioner that since 1994 till date the petitioner has not been arrested.

Considering the submissions made by the learned senior counsel for the petitioner and taking into consideration the fact that petitioner has retired in 2011, the petitioner above-named, in the event of his 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. 5,000/- (Rupees 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 Naurangia P.S. Case No. 4 of 1994 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

