

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38021 of 2021**

Arising Out of PS. Case No.-402 Year-2019 Thana- GHORASAHAN District- East
Champaran

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BIRENDRA THAKUR @ BIRENDRA SHARMA Son of Late Damodar
Thakur Resident of Village - Gurmiya Kham Tola, P.S. - Ghorasahan, District
- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 11-04-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove the
defects, as pointed out by the Office, within a period of four weeks.

The petitioner is apprehending his arrest in a case registered
under Sections 379/34 of the Indian Penal Code and section 33 of the
Indian Forest Act.

Prosecution allegation, in short, is that the accused persons
cut Sheesham tree from government land.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. The petitioner is not named in the F.I.R. As per the allegation,
Sheesham tree is said to have been cut from the government land.



The petitioner has Saw Mill and some logs of the Sheesham Tree was found in his Saw Mill and it is apprehended that it is the same Sheesham tree which was cut from the government land. The name of the petitioner has transpired only on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 3, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 402 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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