

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40586 of 2022

Arising Out of PS. Case No.-79 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. DHRUV KUMAR TRIVEDI Son of Late Kripa Shankar Trivedi Resident of Village - Hathochak, P.S.- Rajauli, Distt.- Nawada.
 2. SUNIL YADAV @ SUNIL KUMAR YADAV Son of Puneet Yadav Resident of Village - Pahaba, P.S.- Rajauli, Distt.- Nawada Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 33 & 66(A) of Indian Forest Act, 1927.

The prosecution case, in short, is that the allegation against the petitioners is that they were involved in the alleged occurrence at the P.O. and were identified by the said forest guard and they were excavating the mines through labourers for their own use and on protest by forest guard petitioners abused, and told that they will continue the illegal mining and who are you to stop and deterred the forest employees from taking the action of seizure.

Learned counsel for the petitioners submits that



petitioner No.2 has clean antecedent. Petitioner No.1 has got one criminal antecedent. Further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 15.07.2011 but the same has been produced before the learned C.J.M., Nawada on 20.03.2019. Further submits that it appears from the FIR that there is general and omnibus allegation against the accused persons. There is no specific allegation that how much Moram was excavated by the petitioners and only vague, general and omnibus allegation as alleged in the FIR and the date of occurrence as alleged in the FIR is 15.07.2011 but the present FIR has been produced before the learned C.J.M., Nawada on 20.03.2019 which itself falsifies the prosecution case.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection



with G.O.Case No.79 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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