

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11263 of 2023**

Arising Out of PS. Case No.-18 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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1. Vivek Singh Son of Salendra Singh Resident of Village- Kala Pahad, P.S.- Tandwa, District- Aurangabad (Bihar)
 2. Mithlesh Singh @ Bimlesh Kumar Singh Son of Gopal Singh Resident of Village- Kala Pahad, P.S.- Tandwa, District- Aurangabad (Bihar)
 3. Shyam Govind Singh Son of Balmiki Singh Resident of Village- Kala Pahad, P.S.- Tandwa, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 03-07-2023 Heard both sides.

Petitioners apprehend their arrest in connection with Forest Case No.18 of 2014, registered for the offences punishable under Section 33(c) of the Indian Forest Act, 1927 (Bihar Amendment), 1989 and Section 2 of the Forest (Conservation) Act, 1980.

It is alleged that petitioners illegally excavated moram from 200 square feet area of Kala Pahad (Harihar Adana) forest.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is submitted that petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that incident occurred on 03.09.2010 whereas present



FIR was registered only on or after 25.01.2014 with inordinate delay of more than three years. It is further submitted that cognizance was taken on 07.02.2019 and notice was issued to the petitioners to appear in the present case. It is submitted that the petitioner could not appear before the learned court below due to COVID-19 pandemic. It is also submitted that there is no specific allegation against the petitioner. The local Chowkidar disclosed the name of the petitioners.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioners.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad (Bihar) in connection with Forest Case No.18 of 2014, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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