

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22352 of 2023

Arising Out of PS. Case No.-5 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. DINESH MAHTO @ DINESH PRASAD S/O RAMDEO MAHTO R/V-
KUMBHIYATARI, P.S.- FATEHPUR, DISTRICT- GAYA
 2. ARJUN MAHTO @ ARJUN PRASAD SON OF RAMDEO MAHTO R/V-
KUMBHIYATARI, P.S.- FATEHPUR, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-08-2023 1. Learned counsel for the petitioners at the outset seeks permission to delete the name of petitioner no. 3 from the array of parties in the anticipatory bail application in course of the day.
2. Permission is accorded.
3. Learned counsel for the petitioners submits that the defect no. 6(1) as pointed out by the office shall be removed in course of the day.
4. Heard learned counsel for the petitioners and learned A.P.P. for the State.
5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 33(b)(c) and 63 of the Indian Forest Act.



6. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

7. The informant alleges that petitioners were making construction of their house and when the same was inquired with the help of map, it was found that petitioners have encroached 10-10 decimal of forest land for construction.

8. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that petitioners were making construction of their house on their raiyati land when it was objected by the Department of Forest that the land belongs to the forest. It is next submitted that if what has been alleged is true then the remedy lies elsewhere and not institution of an FIR as the dispute is civil in nature as the petitioners are disputing that the land was forest land.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

10. Considering the submissions made by the learned counsel for the petitioners, the 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 anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten 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 Forest Case No. 05 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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