

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31124 of 2023
Arising Out of PS. Case No.-14 Year-2022 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Aurangabad

JHUMAN MIAN @ SK. JHUMAN MIAN Son of Late Sk. Maiuddin @
Shek Moinddin Resident of Mohalla Mali Tola, Nasadih Road, Baratpur,
Police Station-Aurangabad Town, District-Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 14-07-2023 1. Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in
connection with Forest P.S. Case No. 14/22,
registered for the offences punishable under
Sections 33(a), 41 and 42 of the Indian Forest Act,
1927 (Bihar Amendment, 1989).
3. The allegation is regarding the informant
having seized a Pickup Tata 207 vehicle on which
illicit 150 CFT firewood was being transported,
whereafter four persons including the driver of the
said vehicle was apprehended by the police and on
interrogation, they disclosed about the complicity of
the petitioner in the alleged occurrence.
4. The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the vehicle nor the firewood belongs to the petitioner and he has been merely implicated in the present case on the basis of the confessional statement of the co-accused persons made before the police which has got no evidentiary value in the eyes of law. Lastly, it is submitted that similarly situated co-accused person has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 11.11.2022 passed in Criminal Misc. No. 45729 of 2022.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also considering the fact that neither the petitioner is owner of the vehicle in question nor any



firewood has been recovered from his possession, apart from the fact that similarly situated co-accused person has already been granted anticipatory bail by a coordinate Bench of this Court, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Forest P.S. Case No. 14/22, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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