

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26239 of 2022

Arising Out of PS. Case No.-134 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

ANAND RAI, S/o Late Jagdish Rai, R/o village- Dhokhakola, P.O.-
Dhodhakola, P.S.- Domchach, District- Kodarma

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with G.O. Case No. 134 of 2019 registered for the offence punishable under Sections 26, 41, 42 of the Indian Forest Act, 1927 (as amended in 1989) and Sections 9, 27, 31 and 39 of the Wild Life (Protection) Act, 1972 (as amended in 2006).

At Sharda Mica Mines located within the Rajauli Region, it is alleged that a raid was conducted on 21.06.2019 wherein accused persons engaged in illegal mining within the Chatakari Forest Reserved area have fled away. Later on, it is alleged that 10 bags of Mica (621 Kgs), a drill machine and 24ft. rope was seized. A crime report was prepared by a forest guard wherein the petitioner, along with others, has been named.



Learned counsel for the petitioner submits that from the prosecution case itself it is apparent that petitioner has been made named accused without there being any basis. He was not apprehended at the spot nor there is any recovery from his possession so as to connect him with the alleged recovery, leading to lodging of the case. The crime report does not bear any signature of any witness. It is further submitted that the petitioner's implication arises out of political considerations, which has led to lodging of repeated cases against him. Falsity of the allegation is further evident from the fact that offences under Sections 9, 31 and 39 of the Wild Life (Protection) Act have not been alleged, still those sections have been added in the prosecution case. The petitioner has remained in custody since 15.12.2021.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner has several antecedents.

Considering the rival submissions, nature of petitioner's implication, period of custody, as also the fact that FIR does not allege his presence at the place of recovery, or that any recovery has been made from his, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties



of the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Nawada, in connection with G.O. Case No. 134
of 2019, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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