

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30070 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Jamui

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1. Kaleshwar Yadav Khagan Yadav Resident Of Village-Bhagwana, Ps-Sono, Dist-Jamui.
 2. Pramod Yadav Son of Ramdhari Yadav Resident of Village-Bhagwana, PS-Sono, Dist-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 26 C-2/2021, registered for the offence punishable under Sections 33, 41 and 42 of the Indian Forest Act.

3. As per allegation that the petitioners were digging the forest's land for laying the foundation of a construction. Alleging that the petitioners may indulge in construction over forest's land, they have been stopped from making the construction, whereafter it is alleged that they may indulge in such construction again.



4. The learned counsel for the petitioners submits that even as per FIR, there is no allegation of assault. In fact, the petitioners have right title over the land in question, part of the plot only lies within forest's land. The petitioners also have no antecedents.

5. The learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations and the clean antecedents of the petitioners, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 the learned C.J.M, Jamui, in connection with Complaint Case No. 26 C-2/2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors



will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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