

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38825 of 2023**

Arising Out of PS. Case No.-63 Year-2023 Thana- IMAMGANJ District-
Gaya

=====

ARUN KUMAR @ MANTU KUMAR Son of Sarju Prasad Resident of village -
Jhikatiya Kala, P.S. - Imamganj, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Opposite Party/s : Mr.Rabindra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-10-2023 Heard Mr. Surendra Kumar Mishra, learned counsel for

the petitioner and Mr. Rabindra Kumar, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection
with Imamganj P.S. Case No. 63 of 2023 registered for the offence
under Sections 379 and 411 of the Indian Penal Code and Section
42 of the Indian Forest Act and Section 15 of the Environment
Act.

The petitioner is alleged to have cut the trees from the
government land without obtaining permission from the
Environment Department.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the



F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that according to the F.I.R., the petitioner has allegedly cut the trees from the government land without any permission of concerned authority. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 04.03.2023 whereas the instant F.I.R. has been lodged on 11.03.2023 after seven without any explanation. He further submits that the trees which were cut by the petitioner were standing in his rayaiti land of the petitioner and the petitioner along with others have admitted this fact and file an affidavit in this regard, which would be evident from Annexure-2. He further submits that the present case has been filed only to harass the petitioner on account of village politics.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has cut the trees from the government land without any permission from the concerned authorities. He further submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Judicial Magistrate-1st Class, Sherghati in connection with Imamganj P.S. Case No. 63 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

brajesh/-



U		T	
---	--	---	--

