

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38321 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Jamui

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1. Alamgir @ Alamgir Ansari @ Md. Alamgir Ansari son of Shamsheer Ansari @ Shamsheer Ansari Village- Paharpura Ps- Jhajha Dist- Jamui
 2. Ashraf Ansari son of Late Yasin Ansari Village- Paharpura Ps- Jhajha Dist- Jamui
 3. Haseeb Ansari son of Yunus Ansari Village- Paharpura Ps- Jhajha Dist- Jamui
 4. Jahangir Ansari son of Late Shamsuddin Ansari Village- Paharpura Ps- Jhajha Dist- Jamui
 5. Biguruddin Ansari @ Bijuruddin Ansari son of Late Jalal Ansari Village- Paharpura Ps- Jhajha Dist- Jamui
 6. Wasir Ansari son of Late Sakur Ansari Village- Paharpura Ps- Jhajha Dist- Jamui
 7. Manzoor Ansari son of Late Azeem Ansari Village- Paharpura Ps- Jhajha Dist- Jamui
 8. Mazloom Ansari son of Late Rahman Ansari Village- Paharpura Ps- Jhajha Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-07-2023 Heard the learned counsel for the petitioners and
learned APP for the State.

This is an application for grant of anticipatory bail
in connection with Complaint Case No.137-C2 of 2022,
registered for offences under Section 26(h) of the Indian Forest
Act.



The allegation is regarding the petitioners having constructed the house in question on forest land.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted by referring to paragraph no.7 and 8 of the present petition that the petitioners are owners of the land in question and the land has also been mutated in their names, hence the allegation levelled by the informant is false and fabricated.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

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 available on record as also considering the fact that it is the categorical averments of the petitioners that they have purchased the land by way of a valid sale deed, whereafter, the land in question has also been mutated in their favor in the land records, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.



Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jamui, in connection with Complaint Case No.137-C2 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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