

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45816 of 2023**

Arising Out of PS. Case No.-78 Year-2020 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

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1. SHANKAR PRASAD SWARNKAR @ SHANKAR PD. SERANKAR son of Surendra Prasad Swarnkar Mohalla- Gopalganj Road Manpur Ps- Buniyadganj Dist- Gaya
 2. Satendra Kumar son of Sukhdeo Sonar Moh- Titaiganj Tikari Ps- Tikari Dist- Gaya
 3. Uday Kumar son of Arun Prasad Village- Chakand Ps- Chakand Dist- Gaya
- Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Opposite Party/s : Ms.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 06-09-2023 1. Heard the learned counsel for the petitioners and
learned APP for the State.

2. This is an application for grant of anticipatory
bail in connection with Forest Case No.78 of 2020, registered
for offences under Sections 33(1)(c) and 63 of Indian Forest
Act.

3. The allegation is regarding the informant and his
forest guards having gone to Bhadeja to remove the
encroachment from the forest land, whereupon the accused
persons, including the petitioners herein had arrived there,
damaged the JCB vehicle and had prevented the informant and
his forest guards from removing the encroachment. It is also



alleged that the encroachers had purchased the land on the basis of forged papers and have constructed their house over the same, illegally.

4. 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 of the present petition that they had sold the land in the year 2013 and in the year 2017, whereafter they are not having any concern with the land in question as such there is no question of their involvement in the alleged occurrence.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for 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 available on record as also considering the fact that the petitioners have already sold their land, long back, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. 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, Gaya, in connection with Forest Case No.78 of 2020, 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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