

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58469 of 2023

Arising Out of PS. Case No.-300 Year-2014 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Jamui

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1. Lachho Turi @ Laxman Turi Son of Wakil Turi R/o vill - Kathawara, P.S. - Chakai, Distt. - Jamui
 2. Rajo Turi @ Rajesh Turi Son of Lachho Turi @ Laxman Turi R/o vill - Kathawara, P.S. - Chakai, Distt. - Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a complaint case filed for the offence punishable under Section 26 of the Indian Forest Act, 1927 [16 of 1927] with Bihar Amendment.

3. Learned counsel for the petitioners submits that the allegation of cutting tree and using the said land for agriculture is there against the petitioners. Counsel submits that under Section 26 of the Indian Forest Act, 1927 the punishment has been prescribed, which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as

the convicting Court may direct to be paid.

4. Learned counsel for the petitioners further submits that in the said Section, Bihar Amendment has come under the Indian Forest (Bihar Amendment) Act, 1989 [Bihar Act 9 of 1990], according to which the said Section has been cognizable and non-bailable and as such, the anticipatory bail is permissible.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that after the year 1990, this case is non-bailable, prior to that it was bailable in nature.

6. In the present facts and circumstances of the case and the submissions made above, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks' from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class Jamui, District- Jamui, in connection with Case No. 300c2 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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