

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72990 of 2022

Arising Out of PS. Case No.-36 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. SATYENDRA YADAV S/O Late Mohan Yadav R/O Village- Gohildih Gurpa, P.S- Fatehpur, District- Gaya (Bihar)
 2. Umesh Yadav S/O Late Mohan Yadav R/O Village- Gohildih Gurpa, P.S- Fatehpur, District- Gaya (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Suman Kumari Singh,

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 33(i)(c), 63 of the Indian Forest (Bihar Amendment) Act, 1989.

The prosecution case, in brief, is that the petitioners, along with other co-accused, encroached the forest land and have been cultivating the forest land for 10 years.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled



against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the land in question is Khatiyani land of the petitioners. It is further submitted that Title Suit No. 15 of 2010/36 of 2010 is pending before learned Sub-Judge VIIth Gaya. He further submits that it is an illegal case of encroachment of the forest land against the petitioners whose right, title and interest has already been accepted by the State Government. There is admitted land dispute between the parties. It is further submitted that the offence alleged in the prosecution case is purely civil in nature, therefore, no criminal dispute is made out. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature that they encroached the land of the forest department, hence they do not deserve anticipatory bail. He further submits that cognizance has been taken on 04.04.2014 after condoning the delay. From the perusal of record, it reveals that non-bailable warrant has been issued against the petitioners on 05.08.2017.

Considering the facts and circumstances of the case as well as the argument of the parties, as there is civil dispute



between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Crime Report No. 36 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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