

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74797 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

=====

Jatashankar Sah @ Prasad @ Jatashankar Prasad Barnwal, S/O Late
Satyanarayan Prasad, R/O Village- Gauchari East Tola, P.S- Balthar, Distt.-
West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-12-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Forest Case No. 57 of 2023 dated
13.06.2023 registered for the offences punishable under
Sections 5, 8, 13, 14 of the Bihar Saw Mills (Regulation)
Act, 1990 and Sections 41 and 42 of the Indian Forest Act.

4. As per the prosecution case, the petitioner was
operating illegal saw mill and he alongwith others fled



away after seeing the forest officials. The forest officials seized the operating saw mill and other articles.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not the owner of the said saw mill and he has no concern with the alleged saw mill. No incriminating article has been recovered from his possession. It is submitted that Sections 5, 8 and 13 of the Saw Mill (Regulation) Act, 1990 are not penal provisions and Section 14 of the said Act has provided for maximum punishment of one year and none of these sections are made out against the petitioner. In fact, the petitioner had no knowledge about operation of the said Saw Mill. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on



furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bettiah, West Champaran, in connection with Forest Case No. 57 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

