

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5012 of 2023

Arising Out of PS. Case No.-88 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Shambhu Yadav Son Of Sidheshwar Yadav Resident Of Village - Chhotki
Nawada, Gandhi More, P.S.- Delha, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defect (s), as pointed out by the office, within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 33(1)(c), 63
of the Indian Forest Act, 1927 (Bihar Amendment Act, 1989).

As per prosecution case, the informant along with
Range Officer and Divisional Amin went to measurement of forest
land at Ramshila mountain and found a temple which is
constructed in forest land. It is alleged that on inquiry, he got
knowledge that the said temple has been constructed under the
guidance of the petitioner.

Learned counsel for the petitioner submits that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the



petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. He submits that is is relevant to mention here that there is absolutely no independent witness in the case rather all the witnesses are Forest Personnel which also raised a great suspicion about reality of the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, nature of the offence and the fact that there civil nature dispute between the parties, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Forest Case No. 88 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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