

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23015 of 2024

Arising Out of PS. Case No.-10 Year-2012 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Rohtas

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Dablu Kumar @ Aditya Raj S/O Shyam Bihari Singh @ Bihari Mahto R/O
Village- Kuraich, P.S- Sasaram (TOWN), Distt.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Forest case No. 10 of 2012, dated 27-01-2012, instituted for the offence punishable under Sections 33,41 and 42 of the Indian Forest Act.

3. The prosecution case in brief is that on the basis of prosecution report of the forest official, Darigaon Reserve Forest Area, the informant seized a tractor loaded with 70 C.F.T. illegal stone chips which was illegally excavated from *Gaighat* restricted forest area. The tractor driver, after seeing the patrolling vehicle, managed to flee away. During course of carrying the tractor, the accused persons and 20-25 miscreants



started pelting stone on the forest official on account of which, vehicle bearing no. BR24G-4603 got damaged. One forest official viz., Niraj Kumar identified the accused persons including the petitioner, who were involved in the alleged occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that for the same occurrence, two cases have been lodged by the same informant. The present case was lodged on the basis of the prosecution report of the forest official, Darigaon Reserve Forest Area, bearing Forest Case No. 10 of 2012, under Sections 33,41 and 42 of the Indian Forest Act before the Chief Judicial Magistrate, Sasaram (Rohtas), against the three persons and another by the same informant bearing Sasaram (Darigaon) PS Case No. 98 of 2012, dated 01-02-2012 under sections 147,149, 341, 353, 337 and 427 of the IPC and Sections 33,41, and 42 of the Indian Forest Act, in which case, the petitioner has been granted bail. It is submitted that the tractor involved in this case does not belong to the petitioner. The petitioner has no concern with the alleged offence. It is submitted that the seizure list has also not been prepared in accordance with law. It is submitted that the



petitioner was not aware about the institution of the present case against him. No proceeding under Sections 82 and 83 of the CrPC has been initiated against the petitioner. In the present case, it is submitted that very recently, the petitioner came to know about the present case in the year 2023 then the petitioner moved for anticipatory bail before the learned lower Court. It is also submitted that there is no injury to anyone and the seized articles does not belong to the petitioner. Lastly, it is submitted that four criminals cases are pending against the petitioner since before and in all theses cases, the petitioner is on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sasaram, District- Rohtas or appropriate Court below, in Forest case No. 10 of 2012, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by



the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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