

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31117 of 2024

Arising Out of PS. Case No.-329 Year-2014 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Jamui

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Sitaram Bhagat @ Sita Ram Bhagat S/O Ram Bilas Bhagat R/O Village-
Barro, Post- Mohanpur, P.S- Simultalla, Distt.- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Jee, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Forest Complaint P.S. Case No. 329C2 of 2014 dated
03.11.2023, instituted for the offence punishable under Sections
33, 41 and 42 of the Indian Penal Code.

3. The prosecution case, in short, is that on 02.11.2023
at about 4:00 P.M. the forest guard in course of patrolling, heard
the sound of tractor in Jagatryadih forest reserve area. He saw
that the driver with stones loaded tractor fled away, to whom he
recognized. Thereafter, he went to the place of occurrence, he
saw that some stones are stored at several places which was
seized by him and further on next date, when he went there then



he found that no stones was available there and value of stones was Rs. 60,000.

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 the alleged occurrence is said to have taken place on 02.11.2013 and 03.11.2013 but the instant F.I.R. has been lodged on 06.11.2014, *i.e.* after about one year of the occurrence, there is no plausible reason consigned for said delay. It is further submitted that no any tractor of the petitioner has been even seen or has been seized at the place of occurrence either by the forest guard or by the informant in this case. It is submitted that petitioner is 66 years advanced aged person and suffering from cardio vascular disease. Lastly, it has been submitted that the petitioner has one criminal case against him in which is on bail.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Forest Complaint P.S. Case No. 329C2 of 2014, he shall be released on anticipatory 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 Chief Judicial Magistrate,
Jamui, subject to condition as laid under Section 438(2) of the
Cr.P.C.

(Khatim Reza, J)

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