

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33729 of 2024

Arising Out of PS. Case No.-21 Year-1996 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Rahmatullah Dewan, Son of Late Sarif @ Sarif Dewan, Resident of Village-
Sikta Hall Mokam, Police Station- Subhadra, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Sarvesh Kashyap, learned Advocate for the

petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Forest Case No. 21F of 1996 registered for the offences punishable under Sections 33, 41, 42, 52 of the Forest Act and Sections 27, 29, 31 and 51 of the Wild Life (Protection) Act.

3. Learned Advocate for the petitioner contended that the maximum punishment, as provided under Section 42 of the Forest Act is of six months and had the petitioner been acquainted with the institution of the present case, he would have certainly filed an application for grant of bail, but for the first time, the petitioner came to know when the process under



Section 82 of the Cr.P.C. has been issued.

4. On the other hand, learned APP for the State opposes the bail application and submits that the extraordinary indulgence in a case of pre-arrest bail is not required when the matter is of more than 27 years old.

5. Having heard the parties and taking note of the fact that the matter is of the year 1996 and now the process under Section 82 of the Cr.P.C. has already been issued, which *prima facie* suggests that the petitioner has been evading his arrest since long, this Court is not persuaded to the prayer for grant of anticipatory bail to the petitioner.

6. Accordingly, the present application stands rejected.

7. It is needless to observe that if the petitioner surrenders before the court below preferably within a period of four weeks from today, the learned jurisdictional court shall consider all the submissions of the petitioner without being prejudiced by the order of this Court and the same shall be disposed of expeditiously.

(Harish Kumar, J)

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