

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33345 of 2024

Arising Out of PS. Case No.-5 Year-2020 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

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Md. Jasu Khan @ Md. Jasim Khan son of Late Jabbar Khan Resident of
Village- Naudiha Jhurang, Police Station- Fatehpur, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheikh Arkan Ahmad, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

- 2 23-05-2024 Heard learned counsel for the petitioner and the State.
2. The petitioner is apprehending arrest in connection with Forest P.S. Case No. 05 of 2020 instituted under Sections 33, 42 and 27, 29, 50 of Preservation and Improvement of Animal Rule lodged on 21.1.2020 by the informant, Asheshwar Paswan.
3. As per the prosecution story, the informant alleged that the patrolling party reached the forest in question, two tractors loaded with forest wood. As they tried to stop it, the accused chose not to follow it. When it was intercepted and upon demand of papers, nothing was produced. Later, unknown persons variously armed came and forcibly took away the tractors. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that only because he has saw mill in the vicinity, he do not have criminal antecedent and has no role to play and he will be diligently appearing in trial. Further, irrespective of the outcome of the present case and/or accepting the allegation, the he intends to contribute Rs. 5000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he has delayed coming to the Court inasmuch as the FIR was lodged in the year 2020.

6. To this, learned counsel for the petitioner submits that he never came to know about his name being incorporated in the FIR.

7. Considering the submissions put forward by the parties as also the fact that omnibus allegation is there against this petitioner, as per his undertaking, he will be diligently appearing in trial, has no criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail subject to payment of Rs. 5000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.



8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Forest P.S. Case No. 05 of 2020 to the satisfaction of learned Judicial J.M.F.C. Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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