

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39123 of 2024

Arising Out of PS. Case No.-39 Year-2020 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Nawada

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1. Sikendra Turiya @ Sikandra Turiya, S/O Gulab Turiya, R/O Village-Chatkari, Sawaiya Tanr, P.S- Rajauli, Pin- 805125, Distt.- Nawada, Bihar.
 2. Bhola Turiya S/O Guleshwar Turiya R/O Village- Chakari, Sawaiya Tanr, P.S- Rajauli, Pin- 805125, Dist.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anant Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Nawada Govt. Official Complaint (G.O.) Case No. 39 of 2020 registered on 20.05.2020 for the alleged offences under Section 33 of the Indian Forest Act, 1989 and Section 27/29 of the Indian Wildlife Protection Act, 1972.

3. As per prosecution case, during a raid conducted in forest area, some persons were found illegally mining mica. A JCB machine and seven sacks of illegally mined mica were seized from the spot. Petitioners are said to be the persons who were illegally mining mica and destroying the habitats of wild



animals.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners have no concern with the alleged recovery or the JCB. Petitioners have been named in this case merely on suspicion and nothing incriminating has been recovered from their person or possession. Learned counsel further submits that the maximum punishment for the offences alleged in the FIR is two years with fine. However, the offences are non-bailable. Petitioners are having clean antecedent.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation without any supporting material and also considering the possibility of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Nawada/ court concerned in connection with Nawada G.O. Case No. 39



of 2020, subject to the conditions mentioned in Section 438(2)
of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioners.
- (ii) The petitioners will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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