

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41408 of 2024

Arising Out of PS. Case No.-52 Year-2011 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Nalanda

Abadhesh Yadav @ Abadhesh Prasad Son Of Devnandan Das @ Devnandan
Prasad R/O- Village- Milkipar, P.S.- Ekangarsarai, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Lovekush Kumar, learned counsel for the

petitioner and Mr. Rajendra Prasad Nat, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Complaint Case No. 52C2 of 2011 registered
for the offences punishable under Sections 5, 11 and 14 of Bihar
Saw Mill (Regulation) Act, 1990 and Sections 41 and 42 of the
Indian Forest Act.

3. Allegation against the petitioner is that he was
illegally running the Saw Mill on the main road of Milkipar
Ekangarsarai to Islampur and when the raid was conducted the
labourers who was sawing the wood fled away after closing the
Saw Mill. It is further alleged that when the informant called



the petitioner, he neither appeared nor he produced the relevant papers of Saw Mill. Thereafter, the premises of the petitioner was searched and Saw Mill and some pieces of saw woods were recovered and a seizure list was prepared and the petitioner has caused a loss of Rs. 16,084/- of Government revenue.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner is not the owner of the said Saw Mill and he got the power of attorney from one Ranjit Kumar who is the licenced holder of the Saw Mill bearing Licence No. 138 of 1995. He further submits that the allegation against the petitioner is that he has not produced the licence before the competent authority so the present F.I.R. instituted against the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the petitioner is the power attorney holder of licenced holder of



one Ranjit Kumar, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class V, Hilsa (Nalanda) in connection with Complaint Case No. 52C2 of 2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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