

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51102 of 2024

Arising Out of PS. Case No.-264 Year-2022 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Jamui

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Guleswar Yadav Son Of Haricharan Yadav @ Hayicharan Yadav Village-
Bejala, Ps- Jhajha, Dist- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Dept. Of Forest And Environment, Govt. Of Bihar,
Patna Bihar
3. The Divisional Forest Officer, Jamui Forest Division, Jamui, Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 33(i)C/66A of the Forest
Act (Bihar Amendment 1989), 1927.

3. According to F.I.R., this petitioner, in conspiracy
with other accused persons, constructed house over the forest
land and thus, caused loss to the Government to the tune of Rs.
10,27,280/-.

4. Learned counsel for the petitioner submits that
place of occurrence i.e. *Khata* / Plot No. 720 is not a forest land,
rather it is *khatiyani* land of the petitioner. It is further submitted
that Raja of the Gidhour State, by way of *Kukunama*, had given



the land of 4 Acre 87 Decimal to Huro Yadav, son of Banu Yadav on 25.05.1945. Thereafter, Malgujari receipt was also issued in the year 1953-54 in the name of Huro Yadav, in which Jamabandi No. 120 is mentioned. The Circle Officer, Jhajha, Jamui has also issued land owner certificate in the name of Huro Yadav and Hari Charan Yadav. Huro Yadav is grandfather of the petitioner. Allegation is baseless and based on 'no evidence'. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by this Hon'ble Court *vide* order dated 22.02.2024 passed in Cr. Misc. No. 11542 of 2024. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jamui in connection with Case No. 264-C/2 of 2022, subject to condition as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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