

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61318 of 2024

Arising Out of PS. Case No.-219 Year-2013 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Jamui

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Kailash Yadav @ Kailash Prasad Sinha Son of Late Puran Prasad Sinha R/O
Vill.- Tanpura, P.S.- Pakribarwa, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Advocate
		Mr. Bhola Kumar, Advocate
		Mr. Ravi Shankar Kumar, Advocate
		Mr. Ankesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-09-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 219C2 of 2013, registered under sections 33, 41 and 42 of Forest Act and section 2 of the Forest Conservation Act.

3. As per the prosecution case, the accused persons are said to have illegally mined 300 cubic ft. of *murang* in a forest area measuring 15 feet in length, 10 feet in width and 2 feet in depth.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He had no



knowledge about the pendency of the case. Referring to the order of the learned trial Court, it is submitted that though the case is pending since the year 2013, there is no mention as to what steps like issuance of NBW and processes under 82 and 83 were taken for appearance of the petitioner. The petitioner, who was working in a Government School in the District of Nawada, retired as the Headmaster and having recently come to know about the pendency of this case moved for grant of anticipatory bail. It is submitted that the petitioner is ready to abide by all the conditions which may be laid by this Court for his release on bail.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and having perused the allegations in the F.I.R., it transpires that there are several accused persons therein. The total loss caused as a result of the illegal mining has been quantified to be Rs. 9,600.

7. In view of the facts and circumstances of the case, the allegation against the petitioner in the FIR and his not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the



learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 219C2 of 2013 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui on the following conditions :-

(I) The petitioner shall remain properly represented in the learned Court below on each date and shall cooperate in the trial.

(II) In case the petitioner is not represented on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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