

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56187 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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1. Azad Khan Son Of Kalam Khan @ Kalama Miyan R/V- Village- Inarwa, P.S.- Inarwa, Distt.- West Champaran
 2. Nawajul Khan @ Nejamul Khan Son Of Kalam Khan @ Kalam Miyan R/V- Village- Inarwa, P.S.- Inarwa, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-09-2024 After some argument, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with regard to petitioner No. 1, granting liberty to the petitioner to surrender before the court below and make a prayer for regular bail.

2. Permission is accorded.

3. The anticipatory bail application with regard to petitioner No. 1, namely, Azad Khan stands dismissed as withdrawn.

4. However, if petitioner surrenders before the Court below within a period of six weeks from today and prays for regular bail, the learned Court below, without being prejudiced



by this order, shall examine the same on its own merit and pass appropriate order in accordance with law.

5. Petitioner No. 2 apprehends arrest in a case registered for the offences punishable under Sections 41, 42 of the Indian Forest Act and Sections 5, 8, 13, 14 of the Bihar Saw Mill Regulation Act.

6. As per F.I.R., one illegal saw mill was established and was being operated by co-accused Azad Khan along with other accused persons. On raid by the forest officials, one log of Shesham and dust of wood including Saw blade and other materials were recovered from the place of occurrence.

7. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case merely because he happens to be brother of co-accused Azad Khan. Petitioner has got no concern with the alleged recovery.

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

9. Considering the nature of accusation, this anticipatory bail is allowed and it is ordered that let petitioner No. 2, namely, Nawajul Khan @ Nejamul Khan 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 Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Forest Case No. 87F/2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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