

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65013 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Aarif Miya @ Firoj Miya @ Arif Miya Son of Late Aasmohammad Miya R/o
Village- Bardahi, P.S.- Sikta, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajeet Kumar Bhawdwaj, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Forest Case No. 22F/24 instituted under Sections 5, 8, 9,10,12,13,14 of Bihar Saw Mill Act and section 41,42 of Forest Act lodged on 20.03.2024 by the informant, Amarnath Kumar.

3. As per the prosecution story, the informant alleged that he raided the place of the petitioner and found Icher Machine with all materials required for a timber machine as well as fresh dust product of the wood. Accordingly, after making seizure list, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that admittedly, there was no machine functioning rather the machine parts were there. Only because of presence of a bag of fresh wood dust, the FIR on suspicion. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to



contribute Rs.20,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that upon raid the machine/tools were recovered which is used for cutting the woods.

6. Though allegation is there, the petitioner do not have criminal antecedent, the machines were in parts, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.20,000/- by the petitioner to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Forest Case No. 22F/24 to the satisfaction of learned C.J.M., Bettiah, West Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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