

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67909 of 2024

Arising Out of PS. Case No.-275 Year-2022 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Ramu Chaudhary @ Ramu Sahani S/o Late Kailash Chaudhary R/o Village -
Naurangiya, Khairhwa Tola, PS- Naurangiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prerna Anand, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with I.F. Case No. 275 of 2022 for the offence under sections 17(a), 27, 34(Ka) of the Indian Forest Act and under sections 33, 63, 51(Ga) of Wild Life Protection Act lodged on 12.12.2022 by the informant, Deepak Kumar.

3. As per the prosecution story, the informant alleged that in course of patrolling, it was noticed that encroachment of 03 Decimal of forest area has been made by the accused persons and a construction has also been made. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that for the same cause of action, earlier, before filing of I.F. Case No. 275 of 2022, a Naurangiya PS Case no. 138/2022 was also



filed in which after investigation, the petitioner was found innocent. He is a *bona fide* purchaser and is having possession of the land and in any case, this matter has to be clarified in a competent Civil Courts and not through the FIR. He is having valid documents to show his *bona fide*.

5. Learned APP opposes the prayer submitting that the forest area has been encroached.

6. The matter relates to the encroachment/ possession of the land, has to be considered/decided by a competent Civil Court, the documents on record show that the petitioner is having his name incorporated in the revenue record, FIR lodged and he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-



(i) one of the bailors 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 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;

(iv) 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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