

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69935 of 2023

Arising Out of PS. Case No.-1887 Year-2007 Thana- FOREST (GOVERNMENT
OFFICIAL) District- West Champaran

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Bharat Chaudhary @ Bharat Chau Son Of Late Rajbanshi Chaudhary
Resident Of Village - Siswa Sareya, Post Office - Sariya Ojhwalaya, Police
Station - Bariya, 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 Bhardwaj

For the Opposite Party/s : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Forest Case No. 07F of 2008 registered for the offences punishable under Sections 33, 41, 42 of the Forest Act (Bihar Amendment) and Section 2, 17, 27, 29, 31 of the Wildlife (Protection) Act, pending in the Court of learned Chief Judicial Magistrate, Bettiah, West Champaran.

3. As per the prosecution case, the petitioner along with other co-accused persons is said to have encroached the forest land for cultivation by cutting the trees.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. He submits that only on the basis of suspicion petitioner has been made accused in the present case. He further submits that there is no evidence against the petitioner that he is involved in cutting the trees of the Forest Department. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that the petitioner is also involved in the present case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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