

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74893 of 2023**

Arising Out of PS. Case No.-111 Year-2020 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

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DHARMENDRA KUMAR @ DHARMENDRA KUMAR SHARMA Son of
Ram Pravesh Sharma R/O VILLAGE- BELHARIA MORE, TEKARI, P.S.
TEKARI, DISTRICT- GAYA, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Forest Case No. 111 of 2020 registered under Sections 41 and 42 of the Indian Forest Act, 1927 and under Section 5, 10, 13 and 14 of the Bihar Saw Mills (Regulation) Act, 1990.

3. As per the prosecution story, the informant alleged that without having license, the illegal operation of Saw Mill was detected and accordingly, the material seized followed by the FIR.

4. Learned counsel for the petitioner submits that he had made an application and since it was not rejected under false belief that ultimately the license would be allowed, the saw



mill was open for which he has already suffered and an FIR has been instituted. He further submits that the petitioner is ready to cooperate in the investigation and will be diligently appearing in the Trial Court.

5. Learned APP for the State, on the other hand, submits that without any license illegal saw mill was being run by the petitioner.

6. Though there is force in the submission of learned APP, FIR has been instituted and the petitioner is ready to cooperate in the investigation as also diligently appearing in the trial Court and he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 50,000/- (fifty thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Forest Case No. 111 of 2020, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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/her 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 his 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 the bail bonds.

(Rajiv Roy, J)

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