

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72870 of 2024

Arising Out of PS. Case No.-78 Year-2020 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

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Sri Kant Singh Son of Prasidha Narayan Singh Resident of Village- Shiv
Nagar, P.S.- Khizarsarai, District- Gaya at presently residing at Near Devi
Asthan Sidharthpuri Colony, P.S.- Moffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2024 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

2. The petitioner apprehends his arrest in
connection with Forest Case No. 78 of 2020,
registered for the offences punishable under
Sections 33(1)(C) and 63 of the Indian Forest Act.

3. The allegation is regarding the informant
and his forest guards having gone to Bhadeja to
remove the encroachment from the forest land,
whereupon the accused persons had arrived there,
damaged the JCB vehicle and had prevented the
informant and his forest guards from removing the
encroachment. It is also alleged that the encroachers
had purchased the land on the basis of forged papers
and have constructed their houses over the same,



illegally.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner had purchased the land in question vide registered sale deed dated 27.11.2010 from one Md. Sadaruddin and thereafter, had sold the same to one Sunita Devi vide registered sale deed dated 12.06.2012 and 30.03.2012, hence he is not having any concern with the land in question. It is next submitted that the similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Court vide order dated 06.09.2023 passed in Criminal Misc. No. 45816 of 2023.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted the privilege of anticipatory bail by this Court, apart from the fact that the petitioner had sold the land in question long back and is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Forest Case No. 78 of 2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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