

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85072 of 2023

Arising Out of PS. Case No.-108 Year-2016 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Rohtas

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Tilakdhari Singh Son Of Late Ram Swarup Singh Resident Of Village -
Pachaura, Police Station - Chenari, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 18-01-2024 Heard Mr. Babu Nandan Prasad, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Forest Case No. 108 of 2016 registered for the offences punishable under Sections 33, 41 and 42 of the Indian Forest Act and Sections 17(A), 27 and 29 of the Wild Life Protection Act.

3. The prosecution case is based on a written report filed by the Forester alleging therein that while he along with others were returning from protected forest after patrolling, they found that some persons were indulged in cutting the Sheesham Tree. However, on noticing the Forest Personnel, they succeeded in fleeing away.

4. Learned counsel for the petitioner submits that



admittedly, the forest case has been instituted in the year 2016, however, the final prosecution report has been submitted before the learned Chief Judicial Magistrate on 11.04.2019 and, as such, the petitioner, who is a poor labourer, had no knowledge of the institution of the present case. He further submits that even as per the forest case, save and except the allegation that the petitioner was fleeing from the place of occurrence, there is no other material. However, the very identification of the petitioner by the official witnesses appears to be doubtful. There are other discrepancies in the search and seizure and, surprisingly, both the seizure list witnesses are residents of different villages. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the case is of 2016 and the petitioner is approaching this Court after unexplained delay.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the suspicious identification of the petitioner, coupled with the fair antecedent, let the above named petitioner, be released on



bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sasaram, Rohtas in connection with Forest Case No. 108 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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