

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86037 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Motilal Ram @ Ashutosh Ram, Son of Bagar Ram, Resident of village -
Shekhavna Math, Police Station - Bettiah Muffasil, District- West Champaran.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Forest Case No. 61 of 2023 registered for the offences punishable under Sections 5, 8, 9, 10, 12, 13, 14 of the Bihar Saw Mills (Regulation) Act, 1990 and Sections 41 and 42 of the Indian Forest Act, 1927. He has got three criminal antecedents. The petitioner is on bail in the case at serial no. (1) under paragraph '3' of the petition. Learned counsel for the petitioner submits that the petitioner has taken steps for bail in other two cases.

3. Learned counsel for the petitioner submits that the allegation against the petitioner is that he along with another co-accused has established an illegal saw mill near Jaukatiya Bazar

in an orchard and they are cutting Government trees planted beside road and after tearing it in saw mill, they used to sell it.

4. Learned counsel for the petitioner submits that even though the maximum period of sentence provided under Sections 41 and 42 of the Indian Forest Act, instead of giving benefit of Section 41A CrPC, the police has obtained warrant of arrest against the petitioner, therefore, the petitioner is apprehending arrest.

5. It is further submitted that co-accused Madan Mohan Dubey @ Madan Dubey who is similarly situated has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 83855 of 2023.

6. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, considering the facts and circumstances of the case, the nature of dispute and the maximum period of sentence provided for the alleged offence as also that the co-accused similarly situated has already been granted privilege of pre-arrest bail, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Forest Case No. 61 of 2023 on furnishing bail

bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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