

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2165 of 2024

Arising Out of PS. Case No.-113 Year-2019 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

=====

Karu Yadav @ Rajesh Kumar S/o Shyamdeo Yadav, Resident of village-
Maranpur (Manglagauri), P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Advocate
		Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s :		Dr. Ajeet Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Ajay Kumar Sinha, the learned counsel

for the petitioner and Dr. Ajeet Kumar, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Forest PS Case No. 113 of 2019, Tr. No. 289 of

2023, registered for the offences punishable under Sections

33(1)(c) and 63 of the Indian Forest Act.

3. According to prosecution case, the informant

during inspection at brahmyoni mountain found some persons

involved in construction of building on the forest land and upon

seeing the informant and his staff, the masons and labourers

managed to flee.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the name of the petitioner has transpired on the basis of suspicion. He further submits that according to the FIR, the petitioner and other co-accused persons have tried to build illegal construction on the forest land. He lastly submits that after the filing of the present FIR, the illegal construction has been demolished by the authorities concerned.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and his name has transpired merely on the basis of suspicion, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya, where the case is pending in connection with **Forest PS Case No. 113 of 2019**, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court 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 trial Court 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.

(Rajesh Kumar Verma, J)

Shahnawaz/-

U		T	
---	--	---	--

