

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9759 of 2024

Arising Out of PS. Case No.-95 Year-2014 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Kalam Miya @ Md Kalam Son of Late Suleman Miya Resident of Village-
Baswariya, P.S.- Bettiah (Town), Distict-West Champaran. At present R/o
village- Manpur, P.S.- Manpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramvilas Ram Not Known Forest Range Officer, P.S.- Manpur, District-
West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 63(C) of Indian Forest Act and Section 33 of the Wild Life Protection Act.

3. As per prosecution case, this petitioner has encroached the forest land in Block No. 8/66.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the land in question to which the complainant is claiming to be forest land is not land of forest and rather the same is part of the land of this petitioner, which he purchased from one Dasai Mahto on 18.02.2000 and the land



has also been mutated in the petitioner’s name vide Jamabandi No. 282 and he is also paying rent to the State. It is further submitted that petitioner has neither encroached any forest land nor has caused any harm to the flora and fauna and as such, no offence, as alleged by the complainant, is made out.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bettiah, West Champaran, in connection with Indian Forest Case No. 95 of 2014, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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