

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49758 of 2024

Arising Out of PS. Case No.-34 Year-2013 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

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1. Charitar Yadav Son of Bedu Yadav R/O Village- Dhanchu, P.O.- Naudiha Jhurang, P.S.- Fatehpur, Dist.- Gaya
 2. Bhuneshwar Yadav Son of Hulash Yadav R/O Village- Dhanchu, P.O.- Naudiha Jhurang, P.S.- Fatehpur, Dist.- Gaya
 3. Hari Yadav Son of Hulash Yadav R/O Village- Dhanchu, P.O.- Naudiha Jhurang, P.S.- Fatehpur, Dist.- Gaya
 4. Nanhaku Yadav @ Santosh Yadav Son of Charitar Yadav R/O Village- Dhanchu, P.O.- Naudiha Jhurang, P.S.- Fatehpur, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 07-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Forest Case No. 34 of 2013 for the offence under Sections 33, 66A and 63 of the Indian Forest Act 1989.

3. As per the prosecution story, the informant has alleged that on 02.10.2013 in the morning, he saw that accused persons were involved in doing agricultural work upon the protected forest area for which Forest officials tried to stop them. On further enquiry it was found that agricultural work is



being done upon the said forest area, on objection made by the forest officials, the petitioners became adamant to assault him. It is stated by the accused persons that they got decree from the Court over the land in question but they did not produce any chit of paper regarding decree of the said land.

4. Learned counsel for the petitioner submits that the petitioners are innocent and they have falsely been implicated in this case. The land in question was not ever recorded as *Gairmajarua* land nor the State of Bihar refuses to issue rent receipt in favour of petitioners. The Forest Department never challenged the entry made in the name of father of petitioner. Therefore, they have no right to dispossess the petitioners from the land. Lastly, he prayed to enlarge the petitioners on bail.

5. Learned APP opposes the prayer for bail.

6. During course of argument learned counsel for the petitioners, submits that the alleged land mentioned in the F.I.R. standing as *Garmajarua* Malik land in the C.S. khatiyan and it was settled in the name of his ancestor and since then, he has come in possession thereon. Learned counsel also submits that photocopy of Register -II as Annexure P3 is standing in the name of the petitioner, but from perusal of that document it appears that the plot number does not tally with that. On behalf



of the petitioner no any valid chit of paper has been filed in support of the fact that the said forest land is standing in the name of Gairmajarua Malik or any paper regarding settlement of the said land. In the F.I.R. it is stated that the petitioner has claimed his title on the basis of decree passed by the Court but the same has not been submitted. It appears that petitioner has no paper regarding the said land. He is claiming the alleged forest land on the basis of unauthorised or fake document and allegedly they became adamant to assault the informant when he raised objection in ploughing the said govt./public land by the petitioner. As per impugned order, the process under Section 82 and 83 of Cr.P.C. has been issued against the petitioner.

7. Keeping in view the aforesaid facts, this court is not inclined to extend the petitioner on privilege of anticipatory bail. Accordingly the anticipatory bail application of the petitioners stands rejected.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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