

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50597 of 2025

Arising Out of PS. Case No.-209 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Nawada

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1. Dharmendra Kumar @ Dharmendra Yadav Son of Musafir Yadav village-
Dhamani police station -Rajauli District -Nawada
 2. Mithun Rajbanshi Son of Karu Rajbanshi village- Dhamani police station
-Rajauli District -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-08-2025 Heard Mr. Rajeev Nayan, learned counsel
appearing on behalf of the petitioners and Mr. Sanjay Kumar
Tiwary, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection
with G.O. Case No. 209 of 2023 registered under Sections 33,
41 and 42 of the Indian Forest (Bihar State Amendment, 1989)
Act, 1927.

3. As per the allegation made in the FIR, the
petitioners along with other accused persons were allegedly
involved in illegal sand mining inside the Sobhamaran Reserve
Forest and on secret information Forest Officer in course of raid
seized tractor, trailer and one motorcycle bearing Registration



No.JH12F9717, which were used for the illegal sand mining.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and prosecution report don't reveal the chassis number and engine number of the said tractor. The petitioners have denied the ownership of the said tractor and motorcycle, which were seized in course of raid conducted by the Forest Officer. The petitioners were merely members of mob. A general and omnibus allegation has been leveled against the petitioners. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, having perused the seizure list along with the prosecution report, I find that the unregistered tractor loaded with illegal sand was found in the forest area, which is prohibited and the motorcycle bearing Registration No.JH12F9717 was also seized in the said course. The petitioners have not given any information about the ownership of the seized tractor and the motorcycle nor they have given reason, as to why, they were present in the forest area rather it



appears that they were indulged in restraining the Forest Officer in conduct of raid. The petitioners claim themselves to be members of the mob.

7. Learned District Court is directed to verify, as to whether, anyone has claimed the unregistered tractor and the motorcycle bearing Registration No.JH12F9717. In case no one has claimed the said vehicles, then the learned District Court is directed to call for a report from the District Transport Officer concerned, who is directed to submit a report on the basis of engine number and chassis number and give the name/s of the owner/s of the seized vehicles and verify from the records, as to whether, the petitioners are the owners of the seized vehicles. In case, the petitioners are not the owners of the seized vehicles, the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada/successor Court in connection with G.O. Case No. 209 of 2023, subject to the condition as laid down under Section 482 of BNSS.

8. The above exercise is directed to be conducted by



the District Transport Office well within a period of two weeks.
In case of failure, the learned District Court can proceed against
the District Transport Office in accordance with law.

9. Accordingly, the present bail petition stands
disposed of.

(Purnendu Singh, J)

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