

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65128 of 2024

Arising Out of PS. Case No.-45 Year-2011 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

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1. Shambhu Giri Son of Kailash Giri Resident of Village - Jamheta, Police Station - Fatehpur, District - Gaya
 2. Binda Giri Son of Kailash Giri Resident of Village - Jamheta, Police Station - Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-01-2025 Heard the parties.

2. The petitioners are in judicial custody in connection with Forest Case No. 45/2011 for the offence punishable under Sections 33, 41 and 42 of the Indian Forest Act lodged on 22.09.2022 by the informant, Rajeshwar Singh.

3. As per the prosecution story, the informant alleged that a Tata Magic vehicle was intercepted and the wooden loaded on it was found without any paper. It was accordingly seized, the Forest Department was informed and FIR lodged.

4. It is case of the petitioners that the same was being driven by Raju Giri who named them which followed their coming to judicial custody. Though, learned counsel for the



petitioners agree that they delayed coming to the judicial custody hampering the trial. They are in custody since 27.05.2024 (para-13 of the petition).

5. Learned APP on the other hand opposes the prayer submitting that for 13 years they evaded the arrest.

6. Learned counsel for the petitioners submit that if granted relief, they shall be diligently appearing in trial.

7. Considering the aforesaid submissions of the parties as also the fact that they have not been arrested from the spot, names have come in the confessional statement, have remained in custody since 27.05.2024, an undertaking has been given that they will be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of bail with conditions.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Forest Case No. 45/2011 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month till conclusion of the trial to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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