

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84246 of 2025

Arising Out of PS. Case No.-121 Year-2022 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

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Vivek Kumar @ Vivek Singh S/o- Kamla Singh, R/o Vill- Kadhariya
(Kaghariya), PS- Wazirganj, Dist- Gayaji.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-12-2025 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Forest Case No. 121 of 2022, dated 09.12.2022, registered for the offences punishable under Sections 33, 41 and 42 of the Indian Forest Act, 1927. However, cognizance has been taken under Sections 33, 1(b), 41 and 42 of the Indian Forest Act.

3. The prosecution case, in brief, is that on 09.12.2022 at around 09:00 AM, the forest guards during the course of patrol found that around 10 to 15 labourers/unknown persons are illegally mining rock at Karzara P.F. and they gave a chase, but the laboureres/unknown persons managed to flee. The mining is stated to be 30'' x 20'' x 2''.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in the present case merely on the basis of suspicion. Learned counsel for the petitioner by taking this Court to the contents of the information submitted before the Chief Judicial Magistrate, Civil Court, Gaya at the instance of Forest Range Officer, Wazirganj, that the name of this petitioner does not find mention and it is next submitted that merely because of the fact that petitioner has two antecedents of similar nature, the name of the petitioner has transpired in this case. Learned counsel lastly submits that from the plaint placed before the Chief Judicial Magistrate, Gaya it is not clear as to how the name of this petitioner transpired while it is specifically mentioned that the name of this petitioner is placed in the list of the accused persons.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and further considering the fact that since no implication is made in the information which is submitted by the Forest Range Officer, Wazirganj, let the petitioner, above-named, be released on anticipatory bail, in the



event of his arrest or surrender before the learned trial Court within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gayaji, in connection with **Forest Case No. 121 of 2022**, subject to the conditions laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the B.N.S.S., as well as on the following conditions:

(i) one of the bailors should be the family member / relative of the petitioner(s), who shall provide official document to show his / her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the learned trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his / her / their bail bond by the learned trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(iv) the petitioner(s) 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.

(Ajit Kumar, J)

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