

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15803 of 2026

Arising Out of PS. Case No.-132 Year-2024 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Nawada

1.

Balmukund Yadav @ Balmukund Kumar @ Balmukun Yadav S/O Damodar Yadav R/O Village- Kumharua, P.S - Rajauli, District - Nawadah.
2.

Lallu Yadav @ Lallu Kumar S/O Damodar Yadav R/O Village- Kumharua, P.S - Rajauli, District - Nawadah.
3.

Chandan Yadav @ Chandan Kumar S/O Indra Yadav @ Indradeo Yadav R/O Village- Kumharua, P.S - Rajauli, District - Nawadah.
4.

Chhotu Paswan @ Chhotu Kumar S/O Shri Paswan R/O Village- Kumharua, P.S - Rajauli, District - Nawadah.
5.

Faki Rajvanshi @ Fanki Rajvanshi @ Sajan Rajvanshi S/O Sarju Rajvanshi R/O Village- Kumharua, P.S - Rajauli, District - Nawadah.
6.

Aajo Yadav @ Rajendra Kumar S/O Late Rama Yadav R/O Village- Kumharua, P.S - Rajauli, District - Nawadah.
7.

Ashok Yadav @ Ashok Prasad S/O Late Vishnu Yadav R/O Village- Kumharua, P.S - Rajauli, District - Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

225-03-2026

Heard Learned Counsel for the petitioners, Learned
APP for the State and learned counsel for the informant.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with G.O. (F) Case No.132 of 2024 dated 27.09.2024 under Sections 33, 41 and 42 of the Indian Forest Act read with Sections 27, 29 and 31 of the Wildlife Protection Act.



3. As per the prosecution, the FIR has been lodged against 7 named accused persons with allegation that they were engaged in illegal mining of sand from river. Upon raid, 60 persons tried to stop the tractor loaded with sand and also attacked with stone and stick on the raiding team.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that there were two criminal cases lodged. The present case is for violation of provision of Indian Forest Act, 1927 and in another case, petitioners have been granted bail. He further submits that though punishment is less, but their offence is non-bailable. He further submits that under wrong impression, the petitioners were doing illegal activity in the forest area.

5. Counsel submits that the criminal antecedent of the petitioner No.4 to 7 is clean, petitioner No.1 have three criminal antecedent and petitioner No.2 and 3 have two criminal antecedent in which they are on bail.

6. Counsel further submits that in future, such mistake shall not take place. He further submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

7. Learned APP for the State opposes the prayer for



bail of the petitioners and submits that the petitioners are in habit of illegal activity in forest area and upon oppose, they have attacked on one forest guard, due to which he injured.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner No.4 to 7, namely, Chhotu Paswan, Faki Rajvanshi, Aajo Yadav and Ashok Yadav, be granted bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Nawadah, in connection with G.O.(F) Case No.132 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023, with the following conditions:-

(i) one of the bailor should be the family member of the petitioner No.4 to 7 who shall provide official document to show their *bona fide*;

(ii) the petitioner No.4 to 7 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 bonds by the Trial Court itself;

(iii) the petitioner No.4 to 7 shall appear before the



local Forest Officer for one year within every fortnight to mark attendance.

9. So far as the petitioner Nos.1 to 3, namely, Balmukund Yadav, Lallu Yadav and Chandan Yadav, are concerned, this Court is not inclined to grant anticipatory bail to the petitioner Nos.1 to 3, therefore the bail application of the petitioner Nos.1 to 3 is hereby rejected.

10. However, trial court is directed to consider the regular bail application of the petitioner Nos.1 to 3, namely, Balmukund Yadav, Lallu Yadav and Chandan Yadav, if they surrenders within 6 weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J)

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