

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81816 of 2025

Arising Out of PS. Case No.-163 Year-2012 Thana- BAIRIYA District- West Champaran

1. Sk. Mohammad @ Mohammad Khan Son of Late Majid Khan. Resident of Village- Sirisiya Maath, Police Station -Bairiya, District-West Champaran.
2. Safik Khan Son of Hakim Khan. Resident of Village- Sirisiya Maath, Police Station -Bairiya, District-West Champaran.
3. Tofik Khan @ Taafik Khan Son of Hakim Khan. Resident of Village- Sirisiya Maath, Police Station -Bairiya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap

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

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

4 11-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 163 of 2012 for the offence under Sections 341, 323, 357 and 34 of Indian Penal Code, Sections 9, 17, 27 and 29 of the Forest Act and Sections 33, 44 and 42 of Indian Forest Act.

3. As per the prosecution story, the informant has alleged that on 07.07.2012, he along with other Forest Guards and soldiers were on patrolling in the Balua Rampurwa area to inspect and monitor forest resources. During the course of



patrolling, the informant received secret information that all the F.I.R. named accused persons had illegally felled green trees of **Sheesham, Jamun, and Putrajiva** from the forest and stored them near their houses. Acting on this information, the informant along with his team immediately proceeded to the location near the house accused persons. On inspection, they found cut wood of Sheesham, Jamun, and Putrajiva trees stacked near the house of accused persons. Upon comparing the roots of the remaining trees in the forest with the cut wood, it was evident that the wood had been felled from the forest illegally. At approximately 6:15 P.M., the team began lifting the forest wood and loading it onto a Bolero camper. Four pieces of cut wood were weighed and loaded for seizure. At this stage, the accused persons along with their family members and local villagers gathered and forcibly unloaded the seized wood from the Bolero camper. They began verbally abusing and misbehaving with the informant and other forest officials and accused also attacked the team with sticks and swords and threatened them of dire consequences, including the threat of implicating them in false cases.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the



present case. It is contended that neither the petitioners were present at the place of occurrence nor any incriminating material been recovered from their conscious possession. The names of the petitioners have transpired merely on the basis of suspicion, and even during the course of investigation, no conclusive material evidence has been found against them. Learned counsel further submits that the F.I.R. has been lodged after considerable delay without any plausible explanation. It is also submitted that, as per the impugned order, after completion of investigation, charge-sheet has been submitted and cognizance has already been taken against the petitioners. It is further mentioned in the impugned order that the benefit of Section 41A Cr.P.C. was extended to the petitioners during the investigation by the Investigating Officer, and the petitioners have fully cooperated with the investigation and have not caused any hindrance or obstruction in the same. It is also submitted that till date, no process under Sections 82 and 83 of the Cr.P.C. has been issued against the petitioners.

5. Learned APP opposes the prayer for bail.

6. Keeping in view the aforesaid facts, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event



of arrest or surrender within a period of four weeks from the date of receipt of this order, 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, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 163 of 2012 subject to the conditions as laid down under Section 482 of B.N.S.S., as also with the condition that one of the bailors should be close relative of the petitioners.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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