

(2025) 04 JH CK 1355
In the Jharkhand High Court
Case No : A.B.A. No. 7605 Of 2024

Md. Munajir @ Munajir

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 25-04-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 41A, 438(2)
Indian Penal Code, 1860 — Section 34, 353, 379, 413, 414
Indian Forest Act, 1927 — Section 26(1)(g), 41, 42, 52
Wild Life (Protection) Act, 1972 — Section 27, 29, 51

Citation : (2025) 04 JH CK 1355

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Vishal Kumar Tiwary, Md. Imran Beig, Ruby Pandey

Final Decision : Allowed

Judgement

Gautam Kumar Choudhary, J

The petitioner, who is apprehending his arrest, has moved this Court for grant of anticipatory bail in connection with Koderma P.S. Case No. 54 of 2022 registered under Sections 353, 379, 413, 414, 34 of the Indian Penal Code, under Sections 26 (1)(g), 41, 42, 52 of the Indian Forest Act and under Section 27, 29, 51 of Wildlife Protection Act pending in the court of learned Chief Judicial Magistrate, Koderma.

As per the prosecution case, an F.I.R was lodged on a written report by Surendra Kumar who along with the police officials conducted joint raid in Old Mica Mines under Chhattarbar protected forest in which JCB machine, Shaktiman truck and tractor were seized and on chase, the accused persons fled away from there and four of them were apprehended on the spot who disclosed the name of twelve other persons.

It is submitted by the learned counsel for the petitioner that name of this

petitioner did not figure, in the name of the persons disclosed by the persons apprehended on spot. Petitioner's name transpired because of seizure of his tractor. Petitioner has no criminal antecedent. It is further submitted that two cases have been lodged arising out of the same incident, one for the offence under the Indian Penal Code and another under the Forest Act and Wildlife Protection Act and similarly situated co-accused persons have been granted bail.

Learned counsel for the State has opposed the prayer for bail and submitted that earlier the anticipatory bail application of this petitioner was rejected on merit vide order dated 21.07.2023 and notice under Section 41A of Cr. P.C was served to the petitioner, but he did not appear.

Considering the submissions of learned counsel and the fact as discussed above, the anticipatory bail application is allowed. Hence, in the event of their arrest or surrender within a period of two weeks from the date of this order, the petitioners named above shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below, subject to the conditions laid down under section 438 (2) Cr. P.C.

The petitioner will cooperate in the investigation and will appear on notice under Section 41A of Cr. P.C.