

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 5067 of 2024

Rajesh Nag

..... Petitioner

Versus

The State of Jharkhand

.....Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mrs. Nivedita Kundu, Advocate

For the State : Mrs. Ruby Pandey, A.P.P.

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Order No.02/ Dated:31.05.2024

1. Heard learned counsel for the parties.
2. The petitioner has been made an accused in connection with Complaint (Forest) Case No. 33 of 2021, registered for the offence under Section 33/41/42 of the Indian Forest Act, 1927, pending in the court of learned SDJM at Khunti.
3. As per FIR, allegation is that in the course of regular patrolling, illegal shal bota was found stocked beside the road of Habo village.
4. Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all as alleged in the complaint case. It is submitted that nothing has been recovered from the conscious possession of the petitioner and he is not involved in this case at all rather he has been falsely implicated on the basis of some other criminal antecedents of similar offence. Criminal notice was given to the petitioner under Section 41(A) Cr.p.c. The petitioner is languishing in Judicial custody since 24.04.2024 without any rhymes and reasons. Petitioner undertakes to co-operate in the trial of the case by remaining physically present as and when required and abide by all terms and conditions and shall not indulge in any manner in tampering with the prosecution evidences or influencing the witnesses of prosecution, hence, the petitioner may be enlarged on bail.

5. Learned A.P.P appearing on behalf of State has opposed the prayer for bail of the petitioner and has submitted that there are sufficient materials against the petitioner showing his involvement in the present case, hence he does not deserve bail.

6. Regard being had to the facts and circumstances of the case and nature of allegation against the petitioner coupled with materials available against petitioner, I am inclined to release the petitioner, on bail. Accordingly, the petitioner, named above, is directed to be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each, to the satisfaction of learned SDJM at Khunti in connection with Complaint (Forest) Case No. 33 of 2021 subject to the conditions:-

- (1) Petitioner shall remain physically present on each and every date till the conclusion of the trial of this case unless prevented from sufficient cause to the satisfaction of the learned trial court.
- (2) Petitioner shall not indulge in any or other similar offence till the conclusion of the trial.
- (3) Petitioner shall not indulge in tampering with the prosecution evidences or influencing the prosecution witnesses.

In case of violation of the aforesaid condition the bail of the petitioner shall be cancelled and shall be taken into custody by the learned trial court itself.

(Pradeep Kumar Srivastava, J.)

R.K/