

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 196 of 2014**

1. Rinku @ Saurav Kumar Gutgutia
2. Harsh Kumar Gutgutia Petitioners
Versus
The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioners : Mr. Kaushal Kishor Mishra, Advocate
For the State : A.P.P.

02/Dated: 28th February, 2014

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners are apprehending their arrest in connection with the case registered under Sections 33, 41 and 42 of the Indian Forest Act.

Learned counsel for the petitioners has submitted that the petitioner No.1 is the owner of the Tractor/Trailor from which the alleged boulders said to have been illegally excavated from the forest area was seized; that petitioner No.2 is the brother of the petitioner No.1, who has valid lease for mining stones (photo copy of the said agreement has been filed). It has further been submitted that as per Annexure-3 the matter was enquired into by the Assistant Mining Officer, Jamtara and he submitted a report that there was no illegal mining in Ichlijhar forest area and the boulders seized from the tractor were different to that found that at Ichlijhar forest area; that the Deputy Commissioner has approved the report of the Assistant Mining Officer and advised for dropping the case (Annexure-4) and the report was also sent to the Court (Annexure-5); that the offence is of 29.07.2008 and the prosecution report was submitted on 20.06.2012 and cognizance has been taken on 16.03.2013, which is barred under Section 468 of the Cr.P.C.

Learned A.P.P while opposing the prayer for bail of the petitioners has submitted that it is a case of illegal mining of boulders from the forest area.

Considering the fact that the matter has been enquired by the Assistant Mining Officer, Jamtara, who submitted a report, which has approved by the Deputy Commissioner, Jamtara, the above named petitioner is directed to surrender in the Court below within two weeks from the date of this order and in the event of their arrest or surrender the Court below shall enlarge the above named

petitioners on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Jamtara in connection with O.C.R. Case No. 37 of 2008, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Amitav K. Gupta, J.)

Satayendra/-

