

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No.1820 of 2016

Ghoshal Ram, son of late Kameshwar Ram, resident of Village-Goponathpur, P.O. and Police Station- Nirsa, District-Dhanbad

... .. **Petitioner**

Versus

The State of Jharkhand

.... ... **Opposite Party**

For the Petitioner : Mr. Md. Zaid Ahmed, Advocate

For the State : Mr. Shekhar Sinha, APP

CORAM: HON'BLE MR. JUSTICE RATNAKER BHENGRA

02/31.05.2016 The present application has been filed under Sections 438 and 440 of the Code of Criminal Procedure seeking anticipatory bail as the petitioner has a reasonable apprehension of his arrest in connection with Nirsa (Kalubathan) P.S. Case No.56 of 2016, corresponding to G.R. No.663 of 2016, registered for the offence punishable under Sections 413,414/34 of the Indian Penal Code and Section 30(ii) of Bihar Coal Mines Act, now pending in the court of learned Judicial Magistrate 1st Class, Dhanbad.

Heard learned counsel for the parties.

Learned counsel for the petitioner has submitted that there are three named accused including this petitioner. It is submitted that Maa Tara Ceramics Boreo Soft Coke Industries premises was raided, which is alleged to be purchasing coal from the cyclists. He has further submitted that the petitioner was purportedly owner, but on 22.05.2015, he has given the shed premises on lease to one Binod Kumar for 13 months i.e. till 22.06.2016, and that also through a registered lease deed (Annexure-2). He has further submitted that whatever incident has occurred, that has occurred in the lease period, hence Binod Kumar, to whom the shed has been leased out, is the responsible person and not this petitioner.

The learned APP has pointed out to the second last

paragraph of the impugned order and has stated that from perusal of the paragraph nos.3, 7, 8, 9 and 10 of the case diary, it appears that the petitioner along with two others were involved in the alledged business of coal and there was no document regarding the seized coal that has been brought on record.

Having heard both the counsels and gone through the records of the case and in the facts and circumstances of the present case, I am inclined to grant anticipatory bail to the petitioner, and accordingly, the petitioner -**Ghoshal Ram** is directed to surrender in the court below, within three weeks from today, and on such surrender, he shall be released on bail, on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand), with two sureties of the like amount each, to the satisfaction of the learned Judicial Magistrate, 1st Class, Dhanbad, in connection with Nirsa (Kalubathan) P.S. Case No.56 of 2016, corresponding to G.R. No.663 of 2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ratnaker Bhengra, J.)

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