

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B. A. No. 4644 of 2018

1. Rajesh Singh @ Rajesh Kumar Singh
2. Akhilesh Singh
3. Rakesh Kumar Singh @ Vinay Singh
4. Kundan Singh @ Kundan Kumar Singh Petitioner

Versus

The State of Jharkhand Opposite Party

With

A.B. A. No. 4691 of 2018

Nand Kumar Singh @ Nanda Singh Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Petitioners: Mr. Ram Subhag Singh, Advocate

For the State : A.P.P.

C.A.V on: 29/10/2018

Pronounced on: 31/10/2018

Since, both the anticipatory bail applications arise out of one and the same case, hence they are taken up together and disposed of by common order.

The petitioners are apprehending their arrest in connection Hussainabad P.S. Case No. 72 of 2018, corresponding to G.R. No. 690 of 2018 for the offence under sections 379, 511, 414/34 of the Indian Penal Code and under section 15 of Environment (Protection) Act, Section 4, 6, 7 J.M.M.D. Rules, 2007 and Section 54 J.M.M.C Rules, 2004.

The case of prospection, in short, is that the instant case has been lodged on the basis of written report of informant-Laxmi Choudhary, Mining Inspector, Surveyor of District Mining Office, Palamau alleging therein that sand in huge quantity after being stored without any authority through tractors at village Emaliya Bandh are being transported to different states without any authority and accordingly a raid was conducted and in that course 17 numbers of trucks and tractors were seized out of whom some were empty and over some of them sand was found loaded. It is further alleged that the petitioners and others had illegally stored the

sand at the field for their illegal transportation. On the basis of these and other allegations, the instant case has been lodged.

A.B. A. No. 4644 of 2018

Learned counsel for the petitioners in A.B.A. No. 4644 of 2018 has submitted that petitioners are innocent and they have been falsely implicated in this case. Neither the vehicle nor the land from where the sand was stored belongs to petitioners. Further, it has been submitted that petitioners have no concern either with empty truck/tractor or loaded truck with sand. There is no criminal antecedent against the petitioners.

A.B. A. No. 4691 of 2018

Learned counsel for the petitioner in A.B.A. No. 4691 of 2018 has submitted that petitioner is innocent and he has been falsely implicated in this case. Neither the vehicle nor the land where sand was stored belongs to petitioner. Petitioner has no concern either with truck/tractor empty or truck/tractor loaded with sand. There is no criminal antecedent against the petitioner.

On the other hand learned A.P.P opposes the prayer for anticipatory bail.

Case diary has been produced. From perusal of case diary, it appears that in para 13 of the case diary there is statement of seizure list witness who has supported the case of prosecution. In Para 16 I.O has recorded the statement of A.S.I Uday Prasad who has supported the case of prosecution and has stated that 21,000 CFT illegal sand was found loaded in different vehicles. Similar is the statement in para 17 & 18 of the witnesses Ghathu Gupta and Dinesh Ram. In para 39 of the case diary, I.O has recorded that there is no criminal antecedent against the petitioners.

In the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners on the following grounds:

(i) The petitioners will file undertaking on the date of their surrender duly sworn by pairvikar before the trial court that they will co-operate with the investigation and they will join the investigation as and when required.

(ii) On the date of their furnishing bail bond, the petitioners will furnish their cell number and xerox copy of Aadhar card before the trial court.

(iii) If the I.O wants to get further statement of the petitioners recorded, the I.O will file application before the trial court through learned A.P.P thereafter trial court will supply the cell number of the petitioners to the I.O, thereafter I.O will record the statement of the petitioners after giving 72 hours' notice fixing date, time and place to the petitioners and on the date fixed, the petitioner will appear before the Investigating Officer.

(iv) Further, the petitioners will give hazari before the Officer-in-Charge of the concerned police station in every month till completion of investigation and if the petitioners fail to do so, it is open to the I.O to file application for cancellation of bail of the petitioners before this court through learned A.P.P.

Accordingly, the above named petitioners are directed to surrender in the Court below within five weeks from the date of this order and in the event of their arrest or surrender the Court below shall enlarge the above named petitioner 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 the court of learned C.J.M, Palamau at Daltonganj in connection with Hussainabad P.S. Case No. 72 of 2018, corresponding to G.R. No. 690 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C and also subject to the condition that one of the bailors must be father of the petitioners.

Let a copy of this order be communicated to the concerned court through FAX and a copy of this order be handed over to the learned A.P.P for its transmission to the I.O.