

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No.7049 of 2018

Khurshid Alam

..... Petitioner(s)

Versus

The State of Jharkhand

..... Opposite Party(s)

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Petitioner(s) : Mr. Avishek Prasad, Advocate

For the State : A.P.P

02/Dated: 31/10/2018

The petitioner is apprehending his arrest in connection with Gola P.S. Case No. 70/18, registered under Sections 379 of the IPC, Section 13 of Jharkhand Mineral Prevention of Illegal Mining Transportation and Storage Rules, 2017 and Section 54 of the Jharkhand Minor Mineral Concession Rule, 2014 and under Section 21 of the N.G.T Act.

Heard learned counsel for the parties.

Learned counsel for the petitioners has submitted that petitioner is innocent and has not committed any offence whatsoever and has been falsely implicated in this case.

Learned A.P.P. opposed the prayer for bail.

It appears that 100 cft sand were seized and petitioner is the owner of the tractor.

Be that as it may, I am inclined to admit the petitioner on anticipatory bail. The above named petitioner is directed to surrender in the Court below within five weeks from the date of this order and in the event of his 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) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Ramgarh, in connection with Gola P.S. Case No. 70/18, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions as below:-

(i) Petitioner will give an affidavit through his pairvikar that during course of investigation, he will cooperate in investigation and he will remain physically present in the court below as and when his presence is required.

(ii) Petitioner is further directed that along with the bail bonds, he will furnish his cell number and xerox copy of the Aadhaar Card in the court below.

(iii) It shall be open for the I.O. of this case that if he wants to record statement of the petitioner, he will file an application through APP in the court below and the court below shall release the cell number of the petitioner to the I.O, thereafter, the I.O. will give 72 hours' notice to the petitioner fixing date, time and place and thereafter, petitioner will appear and get his statement recorded. If petitioner fails to do so, then the I.O. will be at liberty to file application through APP for cancellation of bail bonds of the petitioner.

(iv) Further, petitioner shall deposit Rs.4,000/- before the court below at the time of surrender, which shall be subject to result of the case and will not prejudice the case of the petitioner.

Let a copy of this order be sent to the court below and also handed over to the learned APP for transmission of the same to the concerned I.O.

(Anant Bijay Singh, J.)

Pramanik/