

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 4593 of 2020

1. Rabindra Kumar Mahto
 2. Lalu Mahto @ Lal Bihari Mahto Petitioners
 Versus
 The State of Jharkhand Opp. Party

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioners : Mrs. Vani Kumari, Advocate
 For the Opp. Party : Mr. P.D. Agarwal, A.P.P.

Through Video Conferencing

3/31.05.2021

1. Heard Mrs. Vani Kumari, learned counsel appearing on behalf of the petitioners.
2. Heard Mr. P.D. Agarwal, learned counsel appearing on behalf of the opposite party-State.
3. Learned counsel for the petitioners submits that the petitioners are apprehending their arrest in connection with Mirzachouki P.S. Case No. 47/2020, instituted under Section 379/34 of the Indian Penal Code, Section 4/54 of the Jharkhand Minor Minerals Concession Rules, 2004 and Section 7/9 of the Jharkhand Mineral (Prevention of illegal Mining) Transportation and Storage Rule, 2017.
4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and similarly situated persons namely Gayanendra Kumar @ Tinku Jaiswal @ Bagie, Mintu Singh @ Rajnesh Kumar Singh, Sanjay Kumar Gupta, Istiyak Ansari, Santosh Kumar Gupta @ Paharia @ Santosh Gupta have been extended the privilege of anticipatory bail by different co-ordinate Benches of this court vide order dated 12.05.2021 in A.B.A. No. 2397 of 2021, vide order dated 13.05.2021 in A.B.A. No. 2510 of 2021, vide order dated 24.02.2021 in A.B.A. No. 206 of 2021, vide order dated 03.11.2020 in A.B.A. No. 5431 of 2020. Learned counsel submits

that case of the petitioners are similarly situated to the persons who have been granted anticipatory bail and there is only suspicion against the petitioners.

5. Learned counsel appearing for the opposite party has opposed the prayer for anticipatory bail but he could not point out any specific material against the petitioners during the course of hearing of this case and has not disputed the fact that similarly situated persons have been granted anticipatory bail.
6. After hearing the learned counsel for the parties and considering the facts and circumstances of the case and also the fact that similarly situated persons have been given the privilege of anticipatory bail, this court is inclined to extend the privilege of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the court below within a period of two weeks from today and in that event, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sahibganj, in connection with Mirzachoiki P.S. Case No. 47/2020 subject to the condition that they will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.
7. Let this order be communicated to the court concerned through FAX-e-mail.

(Anubha Rawat Choudhary, J.)