

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.7356 of 2021**

1. Mithilesh Kumar Gupta
2. Shekh Saibad @ Shekh Saibud
3. Aslam Khan
4. Md. Afran Khan
5. Shekh Niroj Petitioners
Versus
The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Gautam Kumar, Advocate
For the State : Mr. Prabir Kr. Chatterjee, Spl.P.P

Order No.02 Dated- 30.09.2021

Heard the parties through video conferencing.

Learned counsel for the petitioners undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending their arrest in connection with Mirzachouki P.S. Case No.41 of 2020 instituted under Section 379, 414, 467, 468, 471 of the Indian Penal Code and Section 54 of the Jharkhand Minor Mineral Concessions Rules, 2004, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioner No.1 is the owner-cum-driver of the truck bearing registration No. JH-02D 2245, petitioner No.2 is the owner-cum-driver of the truck bearing registration No. JH-02P 3802, petitioner No.3 is the owner of the trucks bearing registration Nos. JH-02L 1060 and JH-02Q 3105, petitioner No.4 is the driver of the truck bearing registration No. JH-02L 1060 and petitioner No.5 is the driver of the truck bearing registration No. JH-02Q 3105 and the said trucks were seized by police while transporting illegally excavated stone chips. It is submitted that the allegation against the petitioners is false. It is next submitted that the co-accused, with similar allegations, have already been given the privileges of anticipatory bail by this Court vide order dated 18.03.2021 passed in A.B.A. No.880 of 2021. It is lastly submitted that the

petitioners are ready and willing to co-operate with the investigation of the case and to furnish sufficient security including cash security. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned Spl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned S.D.J.M., Sahibganj within six weeks from today and in the event of their arrest or surrendering, the petitioner No.3 will be enlarged on bail on depositing Rs.20,000/-(Rupees twenty thousand) as cash security and rest petitioners i.e. petitioner Nos.1, 2, 4 & 5 will be enlarged on bail on depositing Rs.10,000/-(Rupees ten thousand) each as cash security and all of them on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sahibganj in connection with Mirzachouki P.S. Case No.41 of 2020 with the condition that they will co-operate 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.

(Anil Kumar Choudhary, J.)

Animesh/