

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**A.B.A. No. 3799 of 2022**

Ghanshyam Mahato

**..... Petitioner**

**Versus**

The State of Jharkhand

**..... Opposite party**

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**CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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For the Petitioner : Mr. Sunil Singh, Advocate

For the State : Mrs. Kumari Rashmi, A.P.P.

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**Order No.03/ Dated:29.07.2022**

Heard learned counsel for the parties.

Apprehending his arrest in connection with Dhanbad P.S. Case No. 49 of 2022 instituted under Sections 414, 34 of the Indian Penal Code and Section 30(ii) of Coal Mines Act, the petitioner has moved this Court for grant of privilege of anticipatory bail.

As per F.I.R. allegation is that during patrolling duty on 02.02.2022 at about 7 A.M. some persons indulged in carrying illegally mined coal on motorcycle were intercepted by the police, who managed to flee away leaving their motorcycle.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all as alleged in the F.I.R. It is submitted that petitioner is the owner of the motorcycle bearing registration no. JH-10BU-1685 loaded with 90 kg coal. It is further submitted that petitioner is a poor villager and works as a daily wages labourer. On the relevant date of occurrence he found some coal was stored near the place of occurrence and he collected some pieces for his personal use loaded on the motorcycle but was seen by the police, hence, due to fear he left the motorcycle and fled away. Petitioner has no criminal antecedent. Petitioner undertakes to co-operate in the investigation of the case. Considering the quantity of coal and antecedent of the petitioner, he may be extended the privilege of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner has submitted that petitioner is the owner of the motorcycle which was founded loaded with illegal coal, hence the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of this case, the nature of allegation coupled with materials on record, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court below within four weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Dhanbad in connection with Dhanbad P.S. Case No. 49 of 2022 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his 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.

**(Pradeep Kumar Srivastava, J.)**