

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No.8635 of 2022

1. Manohar Manto @ Manohar Mahto
2. Tulsi Prasad Ray @ Tulsi Kumar Ray
3. Bhawani Das Petitioners
Versus
The State of Jharkhand Opposite Party

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioners : Mr. Ankit Kumar, Advocate
For the State : Mr. Manoj Kr. Mishra, Addl.P.P

Order No.02 Dated- 30.11.2022

Heard learned counsel for the parties.

Apprehending their arrest in connection with Sarath(Patharda OP) P.S. Case No. 85 of 2022 instituted under Sections 414/34 of the Indian Penal Code, Rules 54/4 of JMMC Rule and Sections 4/21 of MMRD Act, the petitioners have moved this Court for grant of privilege of anticipatory bail.

It is alleged that petitioner nos.1 and 2 are owner and driver of the seized vehicle bearing Reg. No.JH-15S-2707 respectively and petitioner no.3 is the owner of the vehicle bearing Reg. No.JH-15G-7610 which were found indulged in illegal transportation of sand without valid transportation challan.

Learned counsel for the petitioners has submitted that nothing has been recovered from the possession of the petitioners and they have no concern with the seized sand. No quantity of seized sand has been mentioned either in the FIR or in the seizure list. Petitioners have no criminal antecedents. Petitioners undertake to co-operate with the investigation of the case. Hence, the petitioners may be extended the privilege of anticipatory bail.

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

Considering the facts and circumstances of this case, the nature of allegation against petitioners coupled with materials available on record, I am inclined to extend privilege of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court within four weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty thousand) each with two sureties of the like

amount each to the satisfaction of learned J.M., Madhupur in connection with Sarath(Patharda OP) P.S. Case No. 85 of 2022 **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.

(Pradeep Kumar Srivastava, J.)

Pappu/