

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

**A.B.A. No. 789 of 2023**

Anil Ray @ Anil Roy

**..... 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 : Mrs. Vani Kumari, Advocate

For the State : Mr. Prabir Kumar Chatterjee, Spl.P.P.

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**Order No.04/ Dated:28.02.2023**

Heard learned counsel for the parties.

Apprehending his arrest in connection with Tongra P.S. Case No. 15 of 2022 instituted under Sections 379/ 411/ 34 of the Indian Penal Code, Rules 4 & 54 of the Jharkhand Minor Mineral concession Rules, 2004, u/s 21 of the Mines and Minerals (Development and Regulation) Act, 1957, and u/s 3 of the Damage to Public Property Act, 1984, the petitioner has moved to this Court for grant of privilege of anticipatory bail.

As per F.I.R., allegation is that vehicles were found loaded with 100 cft sand and upon demand, drivers of the tractors could not produce any valid documents for the same and fled away from the place of occurrence.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case. It is submitted that owner has been granted payment of entire fine amount in respect of transportation of sand. Petitioner is simply a driver. Petitioner has no criminal antecedent. It is lastly submitted that the petitioner undertakes to co-operate with the investigation of the case and also abide by all terms and conditions which may be imposed in the matter of granting anticipatory bail to the petitioner. Hence, the petitioner may be extended the privilege of anticipatory bail.

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

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/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Dumka in connection with Tongra P.S. Case No. 15 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.)**

R.K/