

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 5332 of 2023

Prabodh Kumar Tiwari Petitioner
Versus
The State of Jharkhand Opposite Party

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Sabyasanchi, Advocate
For the State : Mrs. Ruby Pandey, Addl.P.P

Order No. 03 Dated- 31.07.2023

Heard learned counsel for the parties.

Apprehending his arrest in connection with Ranka P.S. Case No. 80 of 2022 instituted under Sections 379, 414/34 of the Indian Penal Code, Rule 54 of JMMC Rule and Section 21 MMDR Act, the petitioner has moved this Court for grant of privilege of anticipatory bail.

As per F.I.R. allegation is that petitioner is the driver of the seized vehicle which was found indulged in illegal transportation of 150 cft. sand without valid transport challan and other documents.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence at all as alleged in FIR. It is next submitted that nothing has been recovered from the conscious possession of petitioner. In case of his arrest at the hands of police, petitioner shall sustain irreparable loss. It is further submitted that petitioner undertakes to co-operate with the investigation of the case and will not indulge in tampering with prosecution evidence and will abide by all terms and conditions imposed by this Court in the matter of granting anticipatory bail. Hence, it is submitted that the petitioner 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.

Considering the facts and circumstances of this case, the nature of allegation against petitioner coupled with materials available on record, I am inclined to extend privilege of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court within four weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on depositing **Rs. 7,000/(Rupees seven thousand) as cash security** in the court below without prejudice to his defence in this case and subject to result of trial and on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with

two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Garhwa in connection with Ranka P.S. Case No. 80 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.)

Umesh/-