

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6846 of 2023

1. Rajesh Mahato
2. Manik Chandra Mahato Petitioners
Versus
The State of Jharkhand Opposite Party

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioners : Mr. Abhishek Kumar Dubey, Advocate
For the State : Mr. Abhay Kr. Tiwari, Addl.P.P

Order No.02 Dated- 29.09.2023

Heard learned counsel for the parties.

2. Apprehending their arrest in connection with Chowka P.S. Case No. 27 of 2023 instituted under Sections 414/ 411 of the Indian Penal Code, Rules 4/54 of Jharkhand Minor Minerals Concession Rules, 2004, Rules, 9/13 of Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rule 2017 & 4(1)(A)/21 of MMDR Act, 1957, the petitioners have moved to this Court for grant of privilege of anticipatory bail.

3. As per F.I.R, allegation is that vehicles were found loaded with 400 cft. of sand and no valid documents were produced for the same.

4. Learned counsel for the petitioners has submitted that petitioners are innocent and have committed no offence at all rather they have been falsely implicated in this case. It is submitted that petitioner nos. 1 and 2 are drivers of the Hywa Vehicles bearing registration no. JH-05DF-7465 and JH-05CF-2450 respectively and they were transporting the sand on instruction of owners of the vehicles. Petitioners have no criminal antecedents and they undertake 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 petitioners. Hence, the petitioners may be extended the privilege of anticipatory bail.

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

6. 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 petitioners. Accordingly, the petitioners are directed to surrender in the Court below 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/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Chandil in connection with Chowka P.S. Case No. 27 of 2023 **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/