

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No.5074 of 2024

Chandan Kumar Yadav @ Chandan Yadav

... Petitioner

Versus

The State of Jharkhand

... Opposite Party

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Avishek Prasad, Adv.

For the State : Mr. Abhay Kumar Tiwari, Addl. P.P.

Order No.02/Dated- 31.05.2024

Heard learned counsel for the parties.

2. The petitioner has been made accused in connection with Nawajaipur P.S. Case No. 13 of 2022 registered under Sections 379, 414, 188 of Indian Penal Code, Section 21 of MMDR Act, Rule 54 of JMMC Rule and Rule 13(i) of JM(PITS) Rule 2017.

3. As per F.I.R., the allegation against the petitioner is that on 02.06.2022, informant and the police team raided illegal brick kilns and found several brick kilns operating without any valid documents. The petitioner is the owner of the said brick kiln under the name of "DBN BRICKS" in Hurdag, Nawa Jaipur and about 5.50 Lac bricks were seized. The petitioner denied the allegations but failed to produce any supporting documents regarding the same.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case. There is allegation of making 5.50 Lac bricks in the forest area without any licence. Petitioner undertakes to co-operate with the trial of the case and remain physically present on each and every date till the conclusion of the trial and shall not indulge in tampering with the prosecution evidence or influence the witnesses or gain over them. It is next submitted that the petitioner has no criminal antecedent. The petitioner is languishing in judicial custody since 13.04.2024 without any rhymes and reasons. Hence, the petitioner may be enlarged on bail.

5. Learned Addl. P.P. has opposed the prayer for bail of the petitioner. Hence, the petitioner may not be enlarged on bail.

6. Considering the facts and circumstances of this case, the nature of allegation against petitioner coupled with materials available on record and period of custody of the petitioner, I am inclined to release the above named petitioner, on bail. Accordingly, the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned JMFC, Palamu in connection with Nawajaipur P.S. Case No. 13 of 2022 with condition that petitioner shall appear physically on each and every date during the trial of case till its conclusion unless his physical appearance is dispensed with for sufficient cause to the satisfaction of the learned trial court and with further condition that petitioner shall not indulge in tampering with the prosecution evidence or influence the witnesses or gain over them.

(Pradeep Kumar Srivastava, J.)

Sachin