



2022:JHHC:38656

THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 7890 of 2022

Motiram Birua

..... Petitioner

Versus

The State of Jharkhand

.....Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Rajesh Kumar Mishra, Advocate

For the State : Mr. Abhay Kr. Tiwari, A.P.P.

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Order No.06/ Dated:21.11.2022

Heard learned counsel for the parties.

Apprehending his arrest in connection with Chaibasa Mufassil P.S. Case No. 88 of 2022 instituted under Sections 414/34 of the Indian Penal Code and Section 4 and 21 of M.M.D.R. Act, 1957, 4 and 54 of Jharkhand Minor Mineral Concession Rule, 2004, and Section 9 and 11 of Jharkhand Mineral (Prevention of illegal mining and transportation and storage) Rules, 2017, the petitioner has moved this Court for grant of privilege of anticipatory bail.

As per F.I.R., allegation is that on seeing the police party the driver of the tractor loaded with 100 cft. sand ran away leaving behind the tractor and no valid challan was produced for the same.

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 petitioner is the owner of the vehicle and the vehicle of the petitioner was on care and custody of the 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 Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.



2022:JHHC:38656

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 Additional Chief Judicial Magistrate at Chaibasa in connection with Chaibasa Mufassil P.S. Case No. 88 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