

(2022) 08 JH CK 0032
In the Jharkhand High Court
Case No : A.B.A. No. 4976 Of 2022

Birendra Bhogta

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 12-08-2022

Acts Referred:

Indian Penal Code, 1860 — Section 414
Jharkhand Minerals (Prevention Of Illegal Mining Transportation And Storage) Rules,
2017 — Rule 7, 9
Jharkhand Minor Minerals Concession Rules, 2004 — Rule 54
Mines And Minerals (Development And Regulation) Act, 1957 — Section 4, 21

Citation : (2022) 08 JH CK 0032

Hon'ble Judges : Subhash Chand, J

Bench : Single Bench

Advocate : Gaurav, S.K. Tiwari

Judgement

Subhash Chand, J

Heard learned counsel for the applicant and learned APP for the State.

This anticipatory bail application has been filed on behalf of the abovenamed applicant seeking anticipatory bail in connection with Maranghada P.S. Case No.13/2022 under section 414 of IPC, under section 4/21 of Mines and Minerals (Development and Regulation) Act, 1957, under section 54 of Jharkhand Minor Minerals Concession Rule, 2004 and under section 7/9 of Jharkhand Mineral (Prevention of Illegal Mining, Transportation and Storage) Rule 2017, pending in the court of learned Judicial Magistrate, 1st Class Khunti.

Learned counsel for the applicant has submitted that FIR of this case was lodged against the driver and owner of the tractors with these allegations that 100 cft sand was being loaded in each tractors and after preparing the seizure memo, the FIR was lodged.

The learned counsel for the applicant also further submitted that though the

applicant was the driver of the tractor, yet he was simply employed and was loading the sand at the instruction of co-accused Krishna Bhokta. The co-accused Madhulal Nayak has been granted bail in A.B.A.No.5694/2022 vide order dated 05.08.2022 by the co-ordinate bench of this court. The applicant is having no criminal antecedents. The applicant has been implicated in this case with object to humiliate them on being arrested by the police.

Learned APP for the State vehemently opposed the contentions made by the learned counsel for the applicant.

In view of the above, no useful purpose would be served in keeping the present application pending or calling for counter affidavit from the State. Without expressing any opinion on the merits of the case, the applicant is entitled to be released on anticipatory bail, at this stage.

In the event of arrest, the above named applicant involved in the aforesaid case be released on anticipatory bail, on her furnishing bail bond of Rs.15,000/- (Rupees fifteen thousand) with two sureties of the like amount to the satisfaction of the court concerned on the following conditions :-

- i. The applicant shall make herself available for interrogation by a police officer as and when required.
- ii. The applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer or tamper with the evidence.
- iii. In default of any of the conditions mentioned above, the investigating officers shall be at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant.
- iv. The applicant shall co-operate in the trial before the court below and in case of non-cooperation, the trial court would be at liberty to cancel the bail of the applicant without any reference to this Court.