
(2022) 08 JH CK 0041
In the Jharkhand High Court
Case No : A.B.A. No. 5724 Of 2022

Harendra Kumar Sahu @ Harendra Kr. Sahu And Others APPELLANT
Vs
State Of Jharkhand RESPONDENT

Date of Decision : 16-08-2022

Acts Referred:

Jharkhand Minor Mineral Concession Rule, 2004 — Rule 4, 54
Jharkhand Mineral (Prevention Of Illegal Mining Transportation And Storage) Rule,
2017 7 — Rule 7, 13
Indian Penal Code, 1860 — Section 379, 411

Citation : (2022) 08 JH CK 0041

Hon'ble Judges : Subhash Chand, J

Bench : Single Bench

Advocate : Rajiv Ranjan, Prabhu Dayal Agrawal

Final Decision : Allowed

Judgement

Subhash Chand, J

At the very outset, learned Counsel for the applicants has submitted that he is not pressing this Anticipatory Bail Application on behalf of the applicant No.2. As such this anticipatory bail application is dismissed being not pressed on behalf of applicant no.2.

Heard learned counsel for the applicants and the learned A.P.P. for the State.

This anticipatory bail application has been filed on behalf of the above-named applicants seeking anticipatory bail in connection with Senha P.S. Case No. 44 of 2022, registered under Sections 379 and 411 of the Indian Penal Code and under Sections 4/54 of Jharkhand Minor Mineral Concession Rule, 2004 and under Sections 7/13 of Jharkhand Mineral (Prevention of Illegal Mining Transportation and Storage) Rule, 2017, pending in the court of the Sub-Divisional Judicial Magistrate, Lohardaga.

Learned Counsel for the applicants has submitted that the applicant No.1 is the

owner of the Tractor bearing registration No. JH08G-8768 of which Engine number and Chassis number is mentioned in the F.I.R. at Sl. No.1. It is also further submitted that number plate was not affixed. For the same driver of tractor was liable and the owner was not aware whether the same was being used without number plate and was also not aware that the Tractor was involved in illegal mining of sand and transportation of sand. The applicant no.1 is having no criminal antecedent and has been implicated in this case only being the owner of the Tractor.

Learned A.P.P. appearing on behalf of the State vehemently opposed the contentions made by the learned counsel for the applicant no.1.

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 no.1 is entitled to be released on anticipatory bail, at this stage. Accordingly, prayer for anticipatory bail of the applicant no.1 is hereby allowed.

In the event of arrest, let the applicant no.1 be released on anticipatory bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount to the satisfaction of the court concerned on the following conditions :-

- i. The applicant shall make himself 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 him 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.