

(2024) 06 JH CK 0006
In the Jharkhand High Court
Case No : A.B.A. No. 3645 Of 2024

Mithun Bhuiyan @ Nirmal Bhuiyan

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 04-06-2024

Acts Referred:

Jharkhand Minor Mineral Concession Rules, 2004 — Rule 4, 54
Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 34, 379, 414
Mines And Minerals (Development And Regulation) Act, 1957 — Section 4, 21

Citation : (2024) 06 JH CK 0006

Hon'ble Judges : Arun Kumar Rai, J

Bench : Single Bench

Advocate : Jasvinder Mazumdar, Jitendra Pandey

Judgement

Arun Kumar Rai, J

1. Heard the parties.
2. This bail application under Section 438 Cr.P.C. has been preferred by the petitioner apprehending his arrest in connection with Itkhor P.S. Case No.42 of 2024, for the offences registered under Sections 379/ 414/ 34 of the Indian Penal Code, under Rule 4/54 of Jharkhand Minor Mineral Concession Rules and Section 4/21 of Mines and Minerals (Development & Regulation) Act. The case is pending in the Court of learned Additional Chief Judicial Magistrate, Chatra.
3. Submission has been made by learned counsel for the petitioner that the petitioner is owner-cum-driver of the Mahindra B 275 DI, having Engine No.RPB2EAN1479, Chassis No.MBNABAEXKPRB11766 from which 100 C.F.T. sand has been recovered. Plea has been taken that the petitioner has been falsely implicated in the present case.
4. Per contra, learned A.P.P. for the State opposed the anticipatory bail application of the petitioner.

5. Perused the contents of F.I.R. and Lower Court's order.

6. Considering the aforesaid facts, so also the fact that recovery has already been affected, this Court finds it a fit case to release the petitioner on anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to surrender before the learned court below within four weeks from the date of receipt of a copy of this order and the learned court below on his surrender, shall release him on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty-five thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Chatra in connection with Itkhor P.S. Case No.42 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.