

(2024) 03 JH CK 0024
In the Jharkhand High Court
Case No : A.B.A. No. 404 Of 2024

Om Shankar Tudu And Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-03-2024

Acts Referred:

Jharkhand Minerals (Prevention Of Illegal Mining, Transportation And Storage) Rules, 2017 — Rule 3, 9, 13
Indian Penal Code, 1860 — Section 34, 414
Mines And Minerals (Development And Regulation) Act, 1957 — Section 4, 21
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2024) 03 JH CK 0024

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Abhishek Kumar Dubey, Ruby Pandey

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel for the petitioners as well as the learned counsel for the respondent State.
2. The petitioners are apprehending their arrest in connection with Chandil P.S.Case No.178 of 2023, for the offence registered under sections 414/34 IPC, Sections 4/21 of Minor Mineral (Development and Regulation) Act, Rules 3/9/13 of Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017, pending in the court of learned Sub Divisional Judicial Magistrate, Chandil.
3. Learned counsel for the petitioners submits that the petitioners are the owners of the land in question and the said land was handed over to M/s Vlogie Private Limited on lease and the allegations are made that iron ore and other minerals were kept in the ware-house constructed on the land. He refers to lease deed contained in Annexure-2.

4. Learned State counsel opposed the prayer on the ground that illegally the articles were found to be stored in the said ware-house.

5. Annexure-2 is the document which suggest that the petitioners have handed over the said land on lease to said M/s Vlogie Private Limited for a period of five years and that land was being utilized by the said company, and in the attending facts and circumstances, I am inclined to provide privilege of anticipatory bail to the petitioners.

6. Accordingly, the petitioners, above named, are hereby directed to surrender before the learned court within three weeks from today, and in the event of their surrender/arrest, the petitioners, above named, shall be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties of the like amount each, to the satisfaction of learned Sub Divisional Judicial Magistrate, Chandil, in connection with Chandil P.S.Case No.178 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.