
(2020) 09 JH CK 0140
In the Jharkhand High Court
Case No : A.B.A. No. 4133 Of 2020

Ramekbal Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 17-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 379
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 09 JH CK 0140

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : A.K. Rashidi, Vishwanath Roy

Final Decision : Allowed

Judgement

This anticipatory bail application has been moved by Mr. A.K. Rashidi, learned counsel for the petitioner and opposed by Mr. Vishwanath Roy, learned A.P.P. for the State.

This anticipatory bail application has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic.

Mr. A.K. Rashidi, the learned counsel for the petitioner undertakes to remove the defects within two weeks. On his undertaking, time for removing the defects is allowed. Now, it is the personal liability of the learned counsel for the petitioner to remove the defects within the aforesaid period. If the defects are not removed within the aforesaid period, the office is directed to place the matter before the appropriate Bench.

The petitioner is apprehending his arrest in connection with Nawalsahi P.S. Case No.90 of 2019 for the offence registered under Sections 379/34 IPC, Rules 7,9 and 13 of the Jharkhand Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 and Rule 4 and 54 of Jharkhand Mining Minerals

Concessions Rules 2004.

Mr. A.K. Rashidi, the learned counsel for the petitioner submits that the petitioner is driver of the truck having registration No.JH12L1806. He submits that the petitioner is not having any criminal antecedent. He submits that the driver was having the valid licence. He further submits that the case has already been registered under Rule 4 and 54 of Jharkhand Mining Minerals Concessions Rules 2004, which is the special Act and in that view of the matter Section 379 /34 IPC is not applicable as the Mining Rule is the special Act.

Regard being had to the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner named above, is directed to surrender before the learned trial court within a period of four weeks and in the event of his arrest or surrender, he shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned concerned court, in connection with Nawalsahi P.S. Case No.90 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.