IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 5970 of 2020

Sindheshwar Yadav --- --- Petitioner

Versus

The State of Jharkhand --- --- Opposite Party

CORAM: **Hon'ble Mr. Justice Aparesh Kumar Singh**

Through: Video Conferencing

For the Petitioner : Mr. Lalit Yadav, Advocate

For the State : Mr. Prabhu Dayal Agrawal, Spl.P.P.

2/04.12.2020 Heard learned counsel for the petitioner, Mr. Lalit Yadav and Mr. Prabhu Dayal Agrawal, leaned Special Public Prosecutor for the State.

Petitioner seeks protection of anticipatory bail in terms of Section 438 of Cr.P.C in connection with Jasidih P.S. Case No. 269/2020 instituted under Sections 413/414 of Indian Penal Code and 54(4) of the Jharkhand Minor Mineral Concession Rules, 2004, and 21 of MMDR Act, pending in the court of Chief Judicial Magistrate, Deoghar.

Learned counsel for the petitioner submits that petitioner is the owner of one of the Tractors bearing Registration no. JH 15R 0891 and the Trailer bearing Registration no. JH 15R 4866, which were allegedly seized loaded with 100 CFT of sand along with other vehicle. The driver is stated to have escaped from the spot. Learned counsel for the petitioner submits that petitioner being the owner is in no way involved in the offence. Therefore, petitioner may be granted anticipatory bail, otherwise he may suffer unnecessary incarceration.

Learned Special Public Prosecutor has opposed the prayer.

Having considered the submission of learned counsel for the parties and the facts and circumstances noted above, I am inclined to grant the privilege of anticipatory bail to this petitioner. Accordingly, petitioner above named, in the event of his surrender or arrest within a period of 4 weeks, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Deoghar in connection with Jasidih P. S. Case No. 269 of 2020, subject to deposit of Rs. 20,000/- as cash security before learned trial court and the condition as laid down under Section 438(2) of Cr.P.C. Petitioner shall cooperate in the investigation. Petitioner and his bailors shall not change their address or mobile phone number without permission of the trial court.

(**Aparesh Kumar Singh, J)**

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