IN THE HIGH COURT OF JHARKHAND AT RANCHI

A. B.A. No. 5999 of 2020

Pramod Kumar Dubey --- --- Petitioner

Versus

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

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

Through: Video Conferencing

For the Petitioner: Md. Sajid Yunus, Advocate

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

02/ 04.12.2020 Heard learned counsel for the Petitioner and learned Special P.P Mr. Prabhu Dayal Agrawal.

2. Learned counsel for the petitioner undertakes to remove the following surviving defects within three weeks.

iv. Authentication fee on the copy of Trial Court judgement – Rs. 30/- due.
ix (i) Typed copy of page – 13, 14 duly certified to be true may be filed.

3. Petitioner seeks protection of anticipatory bail in terms of section 438 of Cr. P.C in connection with Gorhar P.S. Case No. 30/2020 instituted under sections 414/34 of the Indian Penal Code, section 11 of P.A.C Act and section 12 of J.B.A.P.S. Act and pending in the Court of Miss Kanchan Toppo, learned Judicial Magistrate, 1st Class, Hazaribag.

4. It is contended by the learned counsel for the petitioner that the driver of the truck bearing registration no. BR-44-GA 9723, owned by this petitioner, on being intercepted by the police during patrolling, tried to escape by parking the truck by the side of the jungle in which 11 animals i.e. 10 cows and 01 calf were seized. Driver of the vehicle Ram Babu Kharwar has been granted anticipatory bail by a Coordinate Bench of this Court in A.B.A. No. 5031/2020 vide order dated 14.10.2020. Learned counsel for the petitioner submits that the petitioner being the owner, was not aware of such acts committed by the driver, but he has been implicated only on the ground that the truck is in his name. He is otherwise innocent and has no connection with 11 animals loaded upon his truck seized by the police. Search has also not been made in the presence of any independent witness, which puts a question mark on the prosecution story. Petitioner is a man of means and does not have any criminal antecedent. Therefore, he may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor has opposed the prayer. He submits that the petitioner being the owner cannot escape the liability of such an offence.

6. Having considered the facts and circumstances above and submission of learned counsel for the parties, since the driver of the truck who allegedly had escaped after parking the vehicle near jungle, has been granted anticipatory bail by a

Coordinate Bench of this Court and the seizure was not made in presence of the any independent witness, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner namely, Pramod Kumar Dubey, in the event of his surrender or arrest within a period of four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each, to the satisfaction of Miss Kanchan Toppo, learned Judicial Magistrate, 1st Class, Hazaribag, in connection with Gorhar P.S. Case No. 30/2020, subject to the condition as laid down under section 438(2) of the Cr. P.C. Petitioner shall cooperate in the investigation and petitioner and his bailors shall not change their address or mobile no. without prior permission of the learned Trial Court.

(**Aparesh Kumar Singh, J**)

Ranjeet/