IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 7437 of 2024

1. Akbar Ansari, S/o Khalil Miya
2. Md. Hafij Ansari, S/o Sadik Miya
   Both R/o Village-Mankdiha, PO-Chataro, PS-Deori, District-Giridih ... … Petitioners

Versus

The State of Jharkhand ... … Opposite Party

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners : Mr. Prashant Kumar Rai, Advocate
For the State : Mrs. Ruby Pandey, A.P.P.

03/09.12.2024 The petitioners apprehending their arrest for the offences punishable under Sections 303(2)/317(5)/3(5) of the Bharatiya Nagarik Sanhita, 2023, Sections 4/21 of the Mines and Minerals (Development & Regulation) Act, 1957, rules 4/54 of the Jharkhand Minor Mineral Concession Rules, 2004 and rules 7/9 of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2017, have prayed for grant of anticipatory bail.

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and have not committed any offence as alleged in the F.I.R. The petitioner no. 1 is the owner-cum-driver of tractor bearing registration no. JH-11AD-8481 and engine no. E3552493 whereas the petitioner no. 2 is the owner-cum-driver of the tractor bearing registration no. JH-02BP-8588 and engine no. 3100FLU14J1L09337F18. There is alleged recovery of about 100 CFT of illegal sand from each tractor. In fact, there has been no such recovery from the said tractors, rather the seizure list has been manufactured by the concerned police official of Jamua Police Station. The false implication of the petitioner in this case would also be evident from the fact that though the alleged occurrence took place on 17.08.2024, however, the F.I.R. was lodged on 20.08.2024

without giving any cogent explanation for the said delay. Similarly situated co-accused Mithilesh Kumar Rai @ Mithilesh Kumar Ray – the owner-cum-driver of another tractor bearing registration no. JH-09AU-6636 from which there was alleged recovery of about 100 CFT illegal sand, has already been granted anticipatory bail by this Court vide order dated 22.11.2024 passed in A.B.A No. 7140/2024. The petitioners have no criminal antecedent as has been stated in paragraph no. 17 of the present application. They, however, undertake to co-operate in the ongoing investigation. Hence, they may be given the privilege of anticipatory bail.

3. Learned A.P.P opposes the petitioners' prayer for anticipatory bail.

4. Having heard learned counsel for the parties and considering the materials available on record, I am inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners above named, in the event of their arrest/surrender within three weeks from today, shall be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Giridih, in connection with Jamua P.S. Case No. 176/2024, subject to the conditions as laid down under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rajesh Shankar, J.)

Manish