IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.7591 of 2024

Tulsi Sahu, S/o Falinder Sahu, Village & P.O. Podha, P.S. Sisai, District Gumla

..... Petitioner.

-Versus-

The State of Jharkhand ..... Opp. Party.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Ms. Shreya Tiwary, Advocate
For the State : Mr. P. K. Chatterjee, APP

Order No.03 **Date: 12.12.2024**

1. The petitioner is apprehending his arrest in a case registered under Sections 303(2), 317(5) & 3(5) of the Bharatiya Nyaya Sanhita, 2023; Sections 4 & 21 of the Mines and Minerals (Development & Regulation) Act, 1957; Rules 4 & 54 of the Jharkhand Minor Minerals Concession Rules, 2004; and Rules 7 & 9 of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has not committed any offence as alleged. As per the allegation, huge quantity of sand was found stored at different raiyati plots, which was illegally excavated from 'Koyal' river within Sisai Police Station. It is further submitted that the petitioner has been implicated in this case merely on suspicion as the person who was involved in illegal excavation/storage of sand. Admittedly, the plots from which the alleged recovery of illegal sand was made, do not belong to the petitioner. He has been roped in the present case merely on suspicion. Similarly

situated co-accused Mahabir Sahu, Madawari Sahu @ Mado Sahu and Ramesh Sahu as well as Bhikham Sahu have already been granted anticipatory bail by this Court vide orders dated 03.12.2024 and 07.12.2024 passed in A.B.A No.7403/2024 and A.B.A No.7635/2024, respectively. The petitioner has no criminal antecedent of committing offence of similar nature, as has been stated in paragraph no.7 of the present anticipatory bail application. He, however, undertakes to co-operate in the ongoing investigation of the case. Hence, he may be given the privilege of anticipatory bail.

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

4. Having heard learned counsel for the parties, this Court is inclined to enlarge the petitioner, above named, on anticipatory bail. Accordingly, the petitioner, in event of his arrest or surrender before the court below within three weeks from today, shall be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount, each, to the satisfaction of learned Sub Divisional Judicial Magistrate, Gumla, in connection with Sisai P.S. Case no.102 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Rajesh Shankar, J.)

Sanjay/