IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 7712 of 2024

Rahul Kumar son of Lakhan Saw, resident of Village- Pandedih, P.O. & P.S.- Koderma, District- Koderma

… … Petitioner

Versus

The State of Jharkhand …. … Opposite Party

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Manoj Kumar No. 2, Advocate
For the State : Mrs. Vandana Bharti, A.P.P.

Order No. 04 **Dated: 17.12.2024**

The petitioner apprehending his arrest for the offences punishable under Sections 303(2)/317(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023, rule 54 of the Jharkhand Minor Mineral Concession Rules, 2004 and rule 13 of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017, has prayed for grant of anticipatory bail.

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 in the F.I.R. The petitioner is the driver of the tractor bearing registration no. JH-17R-2105 (engine no. NJC2KBJ-0012) from which there is alleged recovery of about 100 cft. of illegal sand. In fact, there has been no such recovery from the said tractor, rather the seizure list has been manufactured by the concerned police official to implicate the petitioner in the present case. The petitioner has no criminal antecedent as has been stated in paragraph-12 of the present anticipatory bail application. He, however, undertakes to cooperate in the ongoing investigation. 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 and considering the materials available on record, I am inclined to enlarge the petitioner on anticipatory bail.

5. Accordingly, the petitioner, above named, in the 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, Koderma in connection with Jainagar P.S. Case No. 137 of 2024, subject to the conditions as laid down under Section 482(2) of the 'Bharatiya Nagarik Suraksha Sanhita, 2023'.

Ritesh/ **(Rajesh Shankar, J.)**