

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 2878 of 2020

Lukeshwar Choudhary @ Lukeshwar Choudhary.Petitioner

-Versus-

The State of Jharkhand.Opp. Party

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

(Through: Video Conferencing)

For the Petitioner : Mr. Avishek Prasad, Advocate.

For the State : Mr. Suraj Verma, A.P.P.

02/09.09.2020

In view of outbreak of COVID-19 pandemic, case has been taken up through Video Conferencing. Concerned lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 10:30 A.M. onwards. They have no complaint in respect to the audio and video clarity and quality.

The petitioner apprehends his arrest in connection with Rajrappa P.S. Case No. 25 of 2020, for the offence registered under Sections 379/411/34 of the Indian Penal Code and Section 30 (ii) of Coal Mines Act.

On the self statement given by one Vinod Kumar Murmu alleging therein that while he was at Police Station he received information that some persons have been apprehended by the local villagers. On receiving such information, the informant along with other police personnel reached to the place of occurrence and found one dumper loaded with coal near the Temple. On being asked, no valid document was produced regarding the coal. Thereafter a seizure list was prepared.

It has been submitted by learned Counsel for the petitioner that on the basis of confessional statement of the driver of the dumper that the petitioner helped the driver to load the coal in his dumper, present case has been instituted against the petitioner. As a matter of fact, the petitioner has no concern with the alleged vehicle nor coal which has been seized by the police and the confessional statement has no evidentiary value in the eye of law. The co-accused, namely, Prem Chandra Jha, has been released on anticipatory bail by the court below itself in A.B.P.No.233 of 2020 vide order dated 15.06.2020 and the case of the present petitioner stands on similar footing, therefore, the petitioner may also be enlarged on anticipatory bail.

Learned Counsel for the State opposed the prayer.

Having regard to the facts and circumstances of the case, the petitioner is directed to surrender before the Court below within four weeks from today and on his such surrender, he shall be released on bail, on furnishing bail bond of Rs.20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of the S.D.J.M.,

Ramgarh in connection with Rajrappa P.S. Case No. 25/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dr. S.N. Pathak, J.)

P.K.S.