

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 2879 of 2020

Ganesh Mahato Petitioner

- Versus -

The State of Jharkhand Opposite Party

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

(Through: Video Conferencing)

For Petitioner : Mr. Kumar Harsh, Advocate

For Opp. Party : Mr. Suraj Verma, APP

02/09.09.2020

In view of outbreak 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 am onwards. They have no complaint in respect to the audio and video clarity and quality.

The petitioner is apprehending his arrest in connection with Bokaro Thermal P.S Case No. 16/2020, corresponding to G.R. Case No.169/2020 for the offences registered under Sections 379/ 411/ 34 of the Indian Penal Code and under Section 30 (ii) of Coal Mines Act, pending before the Court of learned ACJM, Bermo at Tenughat.

Heard Mr. Kumar Harsh, learned counsel for the petitioner and Mr. Suraj Verma, learned APP for the State.

Mr. Kumar Harsh, learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case. The petitioner is the owner of the seized Tractor bearing registration No.JH-09 B 8106/8108 and is engaged in a business of transportation of goods. The seizure list produced by the prosecution presumes to be inappropriate and erroneous as seizure list shows that about 31.7 ton of coal was found loaded on the above Tractor and it is impracticable for a tractor trailer to bear a load of 31.7 ton of coal. There is no material evidence on record to establish the guilt of the petitioner in connection with the purport of illegal trading of coal. He further submits that petitioner is ready to abide by any terms and conditions imposed upon him by this Hon'ble Court for grant of anticipatory bail. Learned counsel lastly argues that co-accused, namely Deepak Yadav, driver of the vehicle has already been granted

anticipatory bail by a co-ordinate Bench of this Court in A.B.A. No. 2593 of 2020. Hence, the petitioner be given the privilege of anticipatory bail.

Learned APP opposes the prayer for grant of anticipatory bail.

Considering the facts and circumstances of the case and as admittedly, co-accused has been granted bail by a co-ordinate Bench of this Court in A.B.A. No. 2593 of 2020, I am inclined to grant the privilege of anticipatory bail to the petitioner. Hence, in the event of arrest by the police or surrender before the learned court below within a period of four weeks' from the date of this order, the petitioner named above shall be enlarged on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of like amount each to the satisfaction of officer concerned in connection with Bokaro Thermal P.S. Case No. 16/2020, corresponding to G.R. Case No.169/2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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