

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 2887 of 2020

Niraj Singh @ Niraj Kumar Singh ... Petitioner

- Versus -

The State of Jharkhand Opposite Party

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

(Through: Video Conferencing)

For Petitioner : Mr. Rajesh Kumar, Advocate

For Opp. Party : Mr. Suraj Verma, APP

02/09.09.2020

In view 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 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 Kuru P.S Case No.159 of 2018 for the offences registered under Sections 414 and 34 of the Indian Penal Code, pending before the Court of learned ACJM, Lohardaga.

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

Mr. Rajesh Kumar, learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case by the informant. The petitioner has not committed any offence as alleged in the FIR. There is no evidence to prove that the loaded coal in said Hywa was stolen property and there is no case of theft of said coal and as such, Section 414 of the Indian Penal Code is not applicable to this case. The petitioner is driver of seized Hywa Vehicle being JH 01 DD 6416. He further submits that owner of the said Vehicle has already been granted anticipatory bail by the learned Sessions Judge, Lohardaga in A.B.P No. 254 of 2018. The said Hywa Vehicle has already been released in favour of the owner and coal was also released since the coal was loaded in the vehicle was with valid papers. 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. Hence, the petitioner may 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, 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 Kuru P.S Case No.159/2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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