

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
A.B.A. No. 3092 of 2020

Awdhesh Yadav Petitioner
Versus
The State of Jharkhand Opp. Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Petitioner : Mr. Rajesh Kumar, Advocate.
For the State : Mr. Suraj Verma, A.P.P.

02/Dated: 09/09/2020

Heard, learned counsel for the petitioner, Mr. Rajesh Kumar.

Learned counsel for the petitioner has submitted that defect nos. 9 (i) to (iii), as per Stamp Reporting dated 07.07.2020, have not been removed, which he undertakes to remove within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioner is apprehending his arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the instant anticipatory bail application on merits, but with condition that petitioner shall remove the defect(s) within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect(s).

Learned counsel for the petitioner has submitted that the petitioner is apprehending his arrest in connection with Mirzachouki P.S. Case No. 44/2020 for the offence registered under Sections 175, 379, 414 I.P.C. and Rule 4/54 of Jharkhand Minor Mineral Concession Rules, 2004.

Learned counsel for the petitioner has submitted that petitioner is the owner of the truck bearing registration no. BR-10-GB-3187, which was carrying stone and the allegation has been made that stone was illegal, as such, F.I.R. has been lodged, though the petitioner has no criminal antecedent.

Learned counsel for the State, Mr. Suraj Verma, Additional Public Prosecutor has opposed the prayer for bail and has submitted

that petitioner is the owner of the truck and he is responsible for any breach of law by the truck.

Learned counsel for the State has further submitted that without paying royalty to the State, illegal transportation of stone was done, which caused financial loss to the State, as such, detail counter affidavit is needed.

Considering the rival submissions of the parties, State counsel is directed to file detail counter affidavit.

There shall not be any stay in this case.

Put up this case after four weeks or counsel for the petitioner is at liberty to mention this case before the Court.

(Kailash Prasad Deo, J.)

Sunil-Jay/