

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A. B. A. No. 3230 of 2020

1.Akhilesh Prasad
2.Ramnath Mahto
3.Sanjay Kumar Prasad @ Sanjay Prasad
4.Chhotan Kumar Singh
5.Krishna Mahto Petitioners

Versus

The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioners : Mr. Anurag Kashyap, Advocate

For the Opposite Party : Mr. Suraj Verma, A.P.P.

2/09.09.2020 Heard the parties.

Defects as pointed out by the office are ignored.

Petitioners are apprehending their arrest in connection with Pandwa P.S. Case No. 84 of 2019.

It has been alleged that six tractors and trolleys which were illegally involved in mining of sand were seized. The petitioners are the owners and drivers of various tractors which had been seized.

Learned counsel for the petitioners submits that the petitioners do not have any criminal antecedents and so far as the owners are concerned, the tractors and trolleys were entrusted to the drivers and therefore, the owners cannot be held responsible for any illegal act which might have been committed by the driver.

On consideration of the aforesaid facts, it appears that the petitioner no. 3, 4 & 5 are the drivers of the respective vehicles mentioned in this application. Since they had fled away from the place of occurrence and were involved in loading and transporting of illegally extracted sand, I am not inclined to extend the privilege of anticipatory bail to them. Accordingly, prayer for anticipatory bail of petitioner nos. 3, 4 & 5 are hereby rejected.

So far as petitioner no. 1, 2 & 6 are concerned, since they are the owners of the concerned tractors and trolleys, I am inclined to extend the privilege of anticipatory bail to them.

Accordingly, the petitioner nos. 1, 2 & 6 above named are directed to surrender in the court below within four weeks and pray for bail, and in that event, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate, Palamau at Daltonganj in connection with Pandwa P.S. Case No. 84 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This application stands disposed of.

(Rongon Mukhopadhyay, J)