

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

A. B. A. No. 2092 of 2020

1. Md. Sartaz Khan @ Md. Sartaj Khan

2. Md. Afroj Ansari

3. Mir Musafir Hussain

..... Petitioners

Versus

The State of Jharkhand

..... Opposite Party

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**CORAM**

**HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioners:

Mr. A. K. Chaturvedy

For the State:

Mr. Shekhar Sinha, A.P.P

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03/20.07.2020      Heard learned counsel for the parties.

The petitioners apprehending their arrest in connection with the case registered under Sections 414/34 IPC, Sections 4/54 of the Jharkhand Minor Mineral Concession Rule, 2004 and Sections 7/13 of the Jharkhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 have prayed for grant of anticipatory bail.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case and have not committed any offence as alleged in the F.I.R. The petitioners are the drivers of the tractors along with the trailers from which there is recovery of illegally excavated sand. The petitioners have no criminal antecedent as has been stated in paragraph 14 of the present anticipatory bail application. It is further submitted that co-accused Md. Mumtaz Hussain @ Mir Mumtaz Hussain, who is the owner of one of the tractors, has already been granted bail by a Bench of this Court vide order dated 06.07.2020 passed in A.B.A. No. 1929/2020. However, the prayer for anticipatory bail of the other owner Mir Ishraful Hussain @ Mir Israful Hussain has been rejected by the said order. Even if the allegation made in the F.I.R is taken to be true, the alleged offences are bailable in nature, except under Section 414 IPC which is not made out in the facts and circumstances of the present case. Hence, the petitioners may be given the privilege of anticipatory bail.

Learned A.P.P though opposes the petitioners' prayer for anticipatory bail on merit, yet on the basis of the memo of evidence received by him, he submits that the petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, I am inclined to enlarge the petitioners on anticipatory bail. Accordingly, the above named three petitioners are directed to surrender before the concerned Court below by 06.08.2020. If they surrender before the Court below by the said date, they shall be released on bail on furnishing bail-bond of Rs.20,000/- (twenty thousand only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gumla in connection with Gumla P.S. Case No. 18/2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Satish/-

(RAJESH SHANKAR, J)