

B.P. No.564/2022

CNR No.JHLT01-002962-2022

In the Court of the Additional Sessions Judge I, Latehar

Bail Petition No.564/2022

Kameshwar Mahto ----Accused--Petitioner

Vrs.

State of Jharkhand. _____ O.P.

19.01.2023

Heard the Ld. Counsel appearing on behalf of the accused/petitioner Kameshwar Mahto and the learned A.P.P. appearing on behalf of the state in connection with Balumath P.S. Case No.104/2022 u/s 379, 414 of the Indian Penal Code hereinafter referred to as I.P.C., 30(ii) Coal Mines Act, 21 Minor and Minerals Regulation and Development Act hereinafter referred to as M.M.R.D Act and 13 Jharkhand Minerals (Prevention of illegal Mining, storage & Transportation) Act, 2017 hereinafter referred to as J.M. (PIMST) Act.

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The Ld. Counsel for the

accused/petitioner above named, at the very outset, submitted that prior to this bail petition, one anticipatory bail petition filed on behalf of the accused/petitioner above named has already been rejected by this court vide A.B.P. No.384/2022 except that he has not been preferred any bail petition either before this court or before the Hon'ble court. The accused/petitioner is innocent and has been falsely implicated in this case. The accused/petitioner has no connection with place of occurrence or manner of occurrence. The accused/petitioner is the owner of seized Discover motorcycle bearing Chasis No.DSVBMD273965 over which 60 K.G. coal was loaded. Nothing has been recovered from the possession of the accused/petitioner. Section 379

19.01.2023 & 412 is not applicable in this case. The
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accused/petitioner has got no criminal antecedent.

The accused/petitioner has not been arrested at the spot, The accused/petitioner is facing rigor of law since 02.12.2022, therefore, he may be released on bail.

On the other hand, the Ld. A.P.P. appearing on behalf of the State opposed the prayer of bail of the accused/petitioner above named and submitted that the informant being the Security Officer of Magadh Coal Project informed that on 20.05.2022 at about 07.00 P.M. five motorcycles loaded with about 300 K.G. coal were caught by the Security Guards of Magadh Coal Project of 34 number Coal Stock, Chamatu which were kept in Amarwadih Police Picket. The learned A.P.P. further referred to para 4

19.01.2023 (restatement of the informant), 2, 9, 10, 11, 12 of
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the case diary and submitted that the witnesses examined u/s 161 of the Cr.P.C. have supported the case of prosecution. The I.O. of this case has verified the ownership of the Discover motorcycle bearing Chasis No.DSVBMD27396 which is in the name of accused/petitioner by the office of D.T.O., Latehar (para 21 of the case diary). The investigation of this case is still pending, therefore, bail petition of the accused/petitioner above named may be rejected.

Regard being had to the discussions as herein above, taking into consideration the nature of the allegations and judicial custody of the accused/petitioner since 02.12.2022, he **(Kameshwar Mahto)** is ordered to be released on bail on furnishing bail bond of Rs.10,000/- (ten

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19.12.2022 thousand) with two sureties of like amount each to
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the satisfaction of the learned court below.

(Dictated)

Sd/-

(Sanjeev Kumar Das)
Addl. Sessions Judge-I,
Latehar.

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