

# Aslam Ali @ Aslam Ansari vs State Of Jharkhand on 18 October, 2022

**Author: Rongon Mukhopadhyay**

**Bench: Rongon Mukhopadhyay, Ambuj Nath**

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Criminal Appeal (D.B.) No. 712 of 2022

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Aslam Ali @ Aslam Ansari, S/o Late Haider Ali, R/o Village- Jehli Tand, P.O. + P.S.- Khelari,  
District- Ranchi.

		... .. Appellant
	Versus	
State of Jharkhand		... .. Respondent
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CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY HON'BLE MR. JUSTICE AMBUJ  
NATH

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For the Appellant : Mr. Jitendra S. Singh, Advocate For the State : Mr. Pankaj Kumar, P.P.

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06/18.10.2022 Heard Mr. Jitendra S. Singh, learned counsel for the appellant and Mr. Pankaj Kumar, learned P.P. for the State.

2. This appeal is directed against the order dated 11.03.2022 passed in Misc. Criminal Application No. 353/2022 (ATS Case No. 01/2022) by Sri Prabhat Kumar Sharma, A.J.C.-XVIII-cum- Spl. Judge, ATS, Ranchi, whereby and whereunder the prayer for bail of the appellant has been rejected.

3. It has been alleged that a secret information was received that notorious criminal Aman Srivastava was receiving extortion money by threatening different industrialists and coal businessmen. It has further been alleged that Aman Srivastava with the aid of his brother Avik Srivastava, Manjari Srivastava, Chandra Prakash Ram, Sidharatha Sahu, Ashin Lakra, Prince Raj and other associates namely Vinod Pandey, Amjad Khan, Jahoor Ansari, Mahmood @ Nepali, Aslam were receiving extortion money through HAWALA. It has also been alleged that the accused persons makes conversation through Whatsapp., Telegram, Line App. etc. On account of their terror, no cases are lodged before the police. After making a station diary entry, a raid was conducted by the police at various places and from the possession of Sanjay Karmakar, who is the bodyguard of Prince

Raj, a revolver and six bullets were recovered, for which an arms licence issued from the State of Jammu & Kashmir was produced. On 16.01.2022, a cash amount of Rs. 28,88,000/- was seized from the residence of Sidhartha Sahu, who had confessed that the amount is extortion money, which was to be sent to Aman Srivastava through HAWALA. On 16.01.2022 itself an amount of Rs. 5,42,000/- was seized from the residence of Binod Kumar Pandey, who is also an active member of Aman Srivastava gang.

4. Based on the aforesaid allegations, ATS Case No. 01 of 2022 was instituted for the offences punishable under sections 386, 387, 109/34/201 and 120B IPC and Sections 20 and 21 of the Unlawful Activities (Prevention) Act (hereinafter referred to as UAP Act). On conclusion of investigation, charge sheet was submitted under sections 386/387/109/34/120B/201 IPC and also under sections 20/21 of UAP Act.

5. It has been submitted by Mr. Jitendra S. Singh, learned counsel for the appellant that several of the co-accused persons have been granted bail by this Court. He has referred to the orders passed in Cr. Appeal (D.B.) No. 667 of 2022 and Cr. Appeal (D.B.) No. 756 of 2022. Learned counsel submits that the case of the present appellant is on a better footing than that of the co-accused who as noted above have been granted bail by this Court.

6. Mr. Pankaj Kumar, learned P.P for the State has referred to the case diary as well as counter affidavit and supplementary counter affidavit in order to point a nexus between the present appellant as well as the other accused persons in extorting money from the contractors and other persons. He has also referred to the evidence of some of the witnesses to substantiate such contention though the name of the present appellant does not seem to emerge in the statement of those witnesses. He has also referred to Section 15 of the UAP Act and has submitted that the economic security of the country is being threatened on account of the activities of the present appellant. Reference has also been made to the earlier activities of Aman Srivastava gang of which according to the learned P.P. the present appellant is an active member.

7. It appears that co-accused Sandip Prasad and Avik Srivastava have been granted bail by this Court in Cr. Appeal (D.B.) No. 756 of 2022 and Cr. Appeal (D.B.) No. 667 of 2022 respectively. The case of the present appellant seems to be on a better footing than that of the co-accused who have been granted bail by this Court. It further appears that the appellant has not been charge-sheeted u/s 16 and 17 of the UAP Act and for laying down a foundation to attract Section 20 and 21 of the UAP Act Section 15, 16 and 17 of the Act will have to act as a base for the same. Therefore, leaving aside Section 20 and 21 of the UAP Act the primary offence against the appellant is conspiracy and acting in furtherance of common intention with respect to extortion. The appellant is in custody since 21.01.2022.

8. The submissions advanced by the learned counsel for the appellant, therefore, appears to overcome the embargo put u/s 43D(5) of the UAP Act and on consideration of the entire facets of the case, we are inclined to set aside the impugned order dated 11.03.2022.

9. Accordingly, the order dated 11.03.2022 passed in Misc. Criminal Application No. 353/2022 (ATS Case No. 01/2022) by Sri Prabhat Kumar Sharma, A.J.C.-XVIII-cum-Spl. Judge, ATS, Ranchi is hereby set aside with a further direction that the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each, to the satisfaction of learned A.J.C.-XVIII- cum-Spl. Judge, ATS, Ranchi in connection with ATS Case No. 01/2022, arising out of ATS Ranchi P.S. Case No. 01/2022.

10. This appeal is allowed.

(Rongon Mukhopadhyay, J.) (Ambuj Nath, J.) Alok/-