

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No.48 of 2024**

 Rakesh Ganjhu @ Rakesh Gee @ Rakesh Bhokta @ Viran
 Gee @ Rakesh Singh, aged about 28 years, Son of Late
 Rameshwar Ganjhu @ Sukhdeo Ganjhu, Resident of Village
 Butkuiya, P.O.-Sikidag, P.S.-Kunda, District-Chatra
 (Jharkhand). Appellant
 Versus
 The State of Jharkhand Respondent

**CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

 For the Appellant : Mr. Shekhar Prasad Gupta, Advocate
 For the Respondent : Mr. Saket Kumar, A.P.P.

Order No. 02/Dated 27th February, 2024

1. The instant appeal has been filed under Section 21(4) of the National Investigation Agency Act, 2008 against the order dated 21.12.2023 passed by the learned Additional Sessions Judge-V, Chatra in Misc. Cr. Application No.1382 of 2023, whereby and whereunder, the prayer for regular bail in connection with Mayurhand P.S. Case No. 90 of 2018 corresponding to S.T. Case No.179 of 2023, registered for the offence under Section 147, 148, 149, 341, 448, 353, 380, 385 and 387 of Indian Penal Code and under Section 17 (i)(ii) C.L.A. Act and under Section 10/13 of UAP Act, has been rejected.

2. Learned counsel appearing for the appellant has submitted that although the appellant is named in the FIR but there is no specific overt act levelled against the appellant.

3. It has further been contended by referring to the FIR that only general and omnibus allegation has been levelled and further the identically placed co-accused persons, namely, Sunil Ganjhu in B.A. No. 3619 of 2021; Awdhesh Singh @ Avdhesh Singh @ Prasant Ji @ Pankaj Ji in B.A. No. 5736 of 2021; Rajdeo Yadav @ Nagendra Jee @ Nitant Jee in B.A. No. 5743 of 2021; Mukesh Ganjhu @ Muneshwar Ganjhu @ Mukesh Jee in B.A. No. 13291 of 2021, Kameshwar Kumar Rana @ Birendra @ Kameshwar Rana @ Birendra Rana in B.A. No. 15023 of 2021, Lalan Kumar Rana @ Lalan Kumar Sharma in Cr. Appeal (DB) No.674 of 2023, Chhotu Kumar @ Balwant Jee in Cr. Appeal (DB) No.919 of 2023, Umesh Bhuiyan in Cr. Appeal (DB) No.810 of 2023 and Ashish Singh @ Ashish Kumar Singh @ Ashish Kr. Singh in Cr. Appeal (DB) No.1204 of 2023 have already been granted bail by this Court.

4. Learned counsel for the appellant, on the aforesaid premise, has submitted that the fact about granting bail with respect to the other co-accused persons has not been considered by the learned court and no finding has been recorded that how the aforesaid bail orders are not being applicable in the case of the present appellant.

5. It has further been submitted that there is no recovery from the physical or conscious possession of the appellant so far it relates to the explosive substance.

6. Learned counsel for the appellant, therefore, submits that it is a fit case where the impugned order may be interfered with as also on the ground that the appellant is languishing in judicial custody since 13.02.2023.

7. On the other hand, learned Additional Public Prosecutor has submitted that nature of allegation is serious but the fact about bail having been granted in favour of co-accused persons, namely, Sunil Ganjhu in B.A. No. 3619 of 2021; Awdhesh Singh @ Avdhesh Singh @ Prasant Ji @ Pankaj Ji in B.A. No. 5736 of 2021; Rajdeo Yadav @ Nagendra Jee @ Nitant Jee in B.A. No. 5743 of 2021; Mukesh Ganjhu @ Muneshwar Ganjhu @ Mukesh Jee in B.A. No. 13291 of 2021and; Kameshwar Kumar Rana @ Birendra @ Kameshwar Rana @ Birendra Rana in B.A. No. 15023 of 2021 is not in dispute since the orders granting bail have been annexed as Annexure-2 Series with the memo of appeal.

8. This Court has heard the learned counsel for the parties and gone across the finding recorded in the impugned order.

9. From perusal of the F.I.R. it is apparent that the allegation against the present appellant is not of committing any offence rather it has come in the F.I.R. that the co-accused persons were taking the name of the present appellant as well as some other persons which was overheard by the informant.

10. This Court, after having heard the learned counsel for the parties and taking into consideration the fact that similarly situated co-accused, namely, Sunil Ganjhu in B.A. No. 3619 of 2021; Awdhesh Singh @ Avdhesh Singh @ Prasant Ji @ Pankaj Ji in B.A. No. 5736 of 2021; Rajdeo Yadav @ Nagendra Jee @ Nitant Jee in B.A. No. 5743 of 2021; Mukesh Ganjhu @ Muneshwar Ganjhu @ Mukesh Jee in B.A. No. 13291 of 2021 and; Kameshwar Kumar Rana @ Birendra @ Kameshwar Rana @ Birendra Rana in B.A. No. 15023 of 2021, have been granted bail and the case of the present appellant stands on identical footing to that of the case of the aforesaid co-accused persons, is of the view that there is no reason to take different view in respect of the case of the present appellant.

11. This Court, considering the aforesaid fact, is of the view that the impugned order needs interference.

12. Accordingly order dated 21.12.2023 passed by the learned Additional Sessions Judge-V, Chatra in Misc. Cr. Application No.1382 of 2023, is hereby quashed and set aside.

13. In consequence thereof, the instant appeal stands allowed.

14. In consequence thereof, the appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned

Additional Sessions Judge-V, Chatra in connection with Mayurhand P.S. Case No. 90 of 2018 corresponding to S.T. Case No.179 of 2023, subject to the conditions that the appellant shall co-operate in the trial and shall not absent himself on the date fixed without any cogent cause. Subject to further condition that one of the bailors should be the father/near relative of the appellant. In failure, the learned trial court shall have liberty to pass appropriate order in accordance with law so that trial be not hindered.

15. The instant criminal appeal stands disposed of.

(Sujit Narayan Prasad, J.)

(Pradeep Kumar Srivastava, J.)

Birendra/